



SUPREME COURT OF INDIA

HANDBOOK ON PRACTICE AND PROCEDURE AND OFFICE PROCEDURE



2017

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CHAPTER I PRELIMINARY

This Handbook on Practice and Procedure of the Court and Office Procedure on Judicial side containing orders issued, from time to time, is a ready reckoner in relation to the Supreme Court Rules, 2013, framed under Article 145 of the Constitution.

1. **Seal of the Court** – The official seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Secretary General as per Order III, Rule 4 of the Rules.
2. **Language** - The language to be used in the Court and all proceedings in the Court, shall be in English, as per Article 348 of the Constitution read with Order VIII of the Rules.
3. **Definitions :-**
 - (i) ‘Advocate’ means a person whose name is entered on the roll of advocates prepared and maintained by a State Bar Council under the Advocates Act, 1961 (25 of 1961);
 - (ii) ‘Advocate-on-record’ means an advocate, who is entitled under the Rules to act as well as to plead for a party in the Court;
 - (iii) ‘Appointed day’ means, August 19, 2014, on which date the Rules came into force;
 - (iv) ‘Allocated matter’ means a matter, which, by virtue of the Rules, Roster, Practice and Procedure, Judgment or Order, is required to be heard by a Bench, and includes-
 - (a) an assigned case or specially directed case;
 - (b) case bearing single coram of a Judge;
 - (c) a part-heard case;

- (d) subsequent application for bail or suspension of sentence;
- (e) an application for cancellation of bail or suspension of sentence granted by the Court;
- (v) ‘Chief Justice’ means the Chief Justice of India and includes a Judge appointed under Article 126 of the Constitution to perform the duties of the Chief Justice;
- (vi) ‘Code’ means the Code of Civil Procedure, 1908 (5 of 1908) or the Code of Criminal Procedure, 1973 (2 of 1974), as the case may be;
- (vii) ‘Constitution’ means the Constitution of India;
- (viii) ‘Court’ and ‘this Court’ means the Supreme Court of India;
- (ix) ‘Court appealed from’ includes a Tribunal or any other judicial body from which an appeal is preferred to the Court;
- (x) “Court fee” means Court fee set out in the Third Schedule to the Rules;
- (xi) ‘High Court’ means-
 - (a) as respects anything done before the commencement of the Constitution, a High Court within the meaning of Section 219 of the Government of India Act, 1935; and
 - (b) as respects anything done or to be done after the commencement of the Constitution, a High Court established by or recognized under the Constitution;
- (xii) ‘Interlocutory application’ means an application filed in a pending main case praying for relief, interim or otherwise, from the Court;

- (xiii) 'Judge' means a Judge of the Court;
- (xiv) 'Judgment' includes decree, order, sentence or determination of any Court, Tribunal, Judge or Judicial officer;
- (xv) 'Main Case' or 'Case' means a case classified in Chapter II of this Handbook;
- (xvi) 'Minor' in relation to Order VII of the Rules means a person who has not attained majority within the meaning of Section 3 of the Indian Majority Act, 1875 (9 of 1875), where the appeal, petition or other proceeding relates to any of the matters mentioned in clauses (a) and (b) of Section 2 of that Act or to any other matter;
- (xvii) 'Miscellaneous Application' means interlocutory application/criminal miscellaneous petition/office report for directions in a dismissed/disposed of matter;
- (xviii) 'Not taken up case' means a case which could not be or was not taken up, for whatever reason, on the date of listing;
- (xix) 'Prescribed' means prescribed by or under the Rules or Practice and Procedure or administrative orders issued from time to time by the Chief Justice;
- (xx) 'Record' in Part II of the Rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court at the hearing of the appeal;
- (xxi) 'Respondent' includes an intervener;
- (xxii) 'The Rules' and 'Rules of the Court' means the Supreme Court Rules, 2013, and include the forms appended to the Rules;

- (xxiii) (a) 'Secretary General' means the Secretary General of the Court;
 - (b) 'Registrar' means the Registrar of the Court and shall include Additional Registrar of the Court;
 - (c) 'Registry' means the Registry of the Court.
- (xxiv) 'Senior advocate' means any advocate so designated under subsection (2) of Section 16 of the Advocates Act, 1961 (25 of 1961), and all such advocates whose names were borne on the roll of the senior advocates of the Court immediately before the commencement of Chapter III of the Advocates Act, 1961;
- (xxv) 'Special Bench' means the Bench constituted by or under the orders of the Chief Justice to hear a case or particular class of cases;
- (xxvi) 'Taxing Officer' means the Officer of the Court whose duty is to tax costs of proceedings in the Court;
- (xxvii) 'Terminal List' means a list of cases ready for regular hearing year-wise in each class separately in the order of their registration.

CHAPTER II COURT AND JURISDICTION

The jurisdiction of the Supreme Court can be broadly categorised as under:

1. Appellate Jurisdiction --

- (i) appeals permitted under Articles 132, 133 and 134 of the Constitution read with Orders XIX and XX;
- (ii) appeals arising out of Statutes or any other law for the time being in force [refer to Orders XIX, XX, XXI, XXII, XXIII and XXIV of the Rules];
- (iii) appeals under Section 2 of the Supreme Court [Enlargement of Criminal Appellate Jurisdiction] Act, 1970; and read with Order XX of the Rules;
- (iv) appeals, upon grant of special leave to appeal, under Article 136 of the Constitution read with Orders XXI and XXII of the Rules.

2. Extra-ordinary Appellate Jurisdiction --

Petitions for special leave to appeal under Article 136 of the Constitution read with Orders XXI and XXII of the Rules.

3. Original Jurisdiction --

- (i) Petitions under Article 32 of the Constitution read with Order XXXVIII of the Rules for issue of directions or orders or writs, including the writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* for enforcement of the fundamental rights;
- (ii) Original suits under Article 131 of the Constitution read with Part III(A) Orders XXV to XXXVII of the Rules;

- (iii) Petitions under Article 139A(1) of the Constitution read with Order XL of the Rules seeking transfer of cases involving the same or substantial questions of law pending before the Supreme Court and one or more High Courts or before two or more High Courts;
- (iv) Petitions under Article 139A(2) of the Constitution read with Order XLI of the Rules seeking transfer of any case, appeal or other proceedings pending before any High Court to any other High Court;
- (v) Petitions under Section 25 of the Code of Civil Procedure, 1908 read with Order XLI of the Rules, seeking transfer of any suit, appeal or other proceeding from a High Court or other civil court in one State to a High Court or other civil court in any other State;
- (vi) Petitions under Section 406 of the Code of Criminal Procedure, 1973 read with Order XXXIX of the Rules, seeking transfer of any particular case or appeal from one High Court to another High Court or from a criminal court subordinate to one High Court to another criminal court of equal or superior jurisdiction, subordinate to another High Court;
- (vii) Petition under Part III of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952) read with Article 71 of the Constitution and Order XLVI of the Rules relating to doubts and disputes in relation to the election of a President or Vice-President;
- (viii) Petition under Section 11(5) of the Arbitration and Conciliation Act, 1996, read with Appointment of Arbitrators by the Chief Justice of India Scheme, 1996, relating to appointment of an Arbitrator.

4. Extra-ordinary Original Jurisdiction --

- (i) Petitions under Article 32 of the Constitution read with Part III(B) Order XXXVIII of the Rules in the nature of public interest litigation seeking redressal of public injury, enforcement of a public duty or vindicating interest of public nature;
- (ii) Petitions under Article 32 of the Constitution seeking transfer of cases involving the State of Jammu and Kashmir.

5. Advisory Jurisdiction --

- (i) Reference by the President under Article 143(1) of the Constitution read with Order XLII of the Rules on a question of law or fact of public importance;
- (ii) Reference by the President under Article 143(2) of the Constitution read with Order XLII of the Rules of a dispute of the kind mentioned in the proviso to Article 131 of the Constitution;
- (iii) Reference by the President under Article 317(1) of the Constitution read with Order XLIII of the Rules in relation to an inquiry for removal of the Chairman or any other Member of a Public Service Commission from his office on the ground of misbehaviour;
- (iv) Reference by the President under Section 14(1) of the Right to Information Act, 2005 read with Order XLIII of the Rules;
- (v) Reference by the Governor under Section 17(1) of the Right to Information Act, 2005, or any Statute under Order XLIII of the Rules;
- (vi) Reference under Order XLIV of the Rules by the Central Government or Statutory Tribunals under the Statutes;

- (vii) Reference under Section 257 of the Income Tax Act, 1961 read with Order XLV of the Rules, by the Income Tax Appellate Tribunal through its President.

6. Inherent and Plenary Jurisdiction --

- (i) Petitions under Section 3 of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, read with Articles 129 and 142 of the Constitution;
- (ii) Applications for review under Article 137 of the Constitution read with Order XLVII of the Rules;
- (iii) Curative petitions under Order XLVIII of the Rules as per law laid down in the case of *Rupa Ashok Hurra vs. Ashok Hurra and Anr.* [2002 (4) SCC 388] to prevent abuse of the process of the Court and cure gross miscarriage of justice;
- (iv) Applications under Section 2 of the Supreme Court [Decrees and Orders] Enforcement Order, 1954.

Note

Article 129

The Supreme Court shall be the court of record and has all the powers of such a court, including the power to punish for contempt of itself.

Article 131

The Supreme Court has the original jurisdiction in any dispute between the Government of India and one or more States; or between the Government of India and any State or States on one side and one or more other States on the other; or between two or more States.

Article 132

An appeal shall lie to the Supreme Court from any judgment, decree or final order, in a civil, criminal or other proceeding, if the High Court certifies under Article 134A that the case involves a substantial question of law as to the interpretation of the Constitution.

Article 133

An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India, if the High Court certifies under Article 134A of the Constitution that the case involves a substantial question of law of general importance and, in the opinion of the High Court, the said question needs to be decided by the Supreme Court.

Notwithstanding anything contained in this Article, no appeal shall, unless Parliament by law or otherwise provides, lie to the Supreme Court from the judgment, decree or final order of one Judge of a High Court.

Article 134

An appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India, if the High Court has, on appeal, reversed an order of acquittal of an accused person and sentenced him to death; or has withdrawn for trial before itself any case from any court subordinate to its authority and has, in such trial, convicted the accused person and sentenced him to death; or if the High Court certifies under Article 134A that the case is a fit one for appeal to the Supreme Court, subject to the proviso thereunder.

Article 136

Notwithstanding anything contained in Chapter IV of the Constitution, the Supreme Court may in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal, except in relation to any court or tribunal constituted by or under any law relating to the armed forces.

Article 136 does not confer a right of appeal on any party but it confers a discretionary power on the Supreme Court to interfere in suitable cases.

The jurisdiction conferred by Article 136 is divisible into two stages; first stage is upto the disposal of prayer for special leave to file an appeal and the second stage commences if and when the leave to appeal is granted and special leave petition is converted into an appeal.

Under Article 136, the Supreme Court may reverse, modify or affirm the judgment, decree or order appealed against while exercising its appellate jurisdiction and not while exercising the discretionary jurisdiction disposing of petition for special leave to appeal. The doctrine of merger, therefore, applies to the former and not to the latter. Once leave to appeal has been granted and appellate jurisdiction of Supreme Court has been invoked, the order passed in appeal would attract the doctrine of merger; the order may be of reversal, modification or merely affirmation.

On an appeal having been preferred or a petition seeking leave to appeal having been converted into an appeal before the Supreme Court, the jurisdiction of the High Court to entertain a review petition is lost thereafter, as provided by sub-rule (1) of Rule (1) of Order 47 of the Code.

Article 137

Subject to the provisions of any law made by the Parliament or any rules made under Article 145, the Supreme Court shall have the power to review any judgment pronounced or order made by it.

The Supreme Court has held that “by describing an application as one for clarification or modification, though it is one for review, a party cannot be permitted to circumvent or bypass the circulation procedure and indirectly obtain a hearing in the open court. The Court has further held that what cannot be done directly cannot be permitted to be done indirectly and that an application for ‘clarification’, ‘modification’ or ‘recall’ cannot be entertained where, in sum and substance, the same is clever move for review [APSRTC and Others v. Abdul Kareem [2007 (2) SCC 466].

Article 139A(1)

Where cases involving the same or substantially the same questions of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied on its own motion or an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself:

Provided that the Supreme Court may after determining the said questions of law return any case so withdrawn together with a copy of its judgment on such questions to the High Court from which the case has been withdrawn and the High Court shall, on receipt thereof, proceed to dispose of the case in conformity with such judgment.

Article 139A(2)

The Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court.

Article 141

The law declared by the Supreme Court is binding on all courts within the territory of India.

Article 142

The Supreme Court may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it and it shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe.

Subject to the provisions of any law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.

Article 143

Where a question of law or fact, which is of public importance, has arisen or is likely to arise and if the President is of the view that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to it for consideration and the Supreme Court may, after such hearing as it thinks fit, report to the President its opinion thereon.

Notwithstanding anything contained in the proviso to Article 131, the President may refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.

Article 144

All civil and judicial authorities in the territory of India shall act in aid of the Supreme Court.

Article 145

Subject to the provisions of any law made by the Parliament, the Supreme Court may, from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court.

Article 32

The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by Part III of the Constitution.

Under the Extra-ordinary Original Jurisdiction, a writ petition in the nature of public interest litigation can be filed in the Supreme Court.

The Supreme Court shall, *inter alia*, have powers to transfer any case relating to the State of Jammu and Kashmir under Article 32 of the Constitution. [*Anita Kushwaha vs. Pushap Sudan* (Transfer Petition (C) No. 1343 of 2008)]

Even after a death sentence has been confirmed and is not open to review, the Supreme Court may, under Article 32 read with Article 21, commute the sentence of death into one of life imprisonment on

the ground of undue delay in execution of the death since it was confirmed. [*Jumman vs. State of Uttar Pradesh* [1991 (1) SCC 752].

Note

1. The matters of public interest generally include--
 - (i) bonded labour matters;
 - (ii) matters of neglected children;
 - (iii) exploitation of casual labourers and non-payment of wages to them (except in individual cases);
 - (iv) matters of harassment or torture of persons belonging to Scheduled Castes, Scheduled Tribes and Economically Backward Classes, either by co-villagers or by police;
 - (v) matters relating to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forests and wild life;
 - (vi) petitions from riot victims; and
 - (vii) other matters of public importance.
2. The matters of private nature which do not fall within the contours of public interest litigation shall include --
 - (i) threat to or harassment of the petitioner by private persons;
 - (ii) seeking enquiry by an agency other than local police;
 - (iii) seeking police protection;
 - (iv) landlord tenant dispute;
 - (v) service matters;
 - (vi) admission to medical or engineering colleges; and
 - (vii) early hearing of cases pending in High Courts and subordinate courts.
3. The petitions received by post are scrutinized as per the prescribed guidelines* and only such of them, as are covered by the parameters laid down therein, are placed before the Judge nominated for the purpose.

* PIL Guidelines as at Annexure 1.

- 4.(a) Letter petitions received by post, even though not in public interest, can be treated as writ petitions, if so directed by the Judge nominated for the purpose.
- (b) The following individual cases can also be registered as writ petitions under Article 32 of the Constitution:
- (i) complaints about harassment or torture or death in jail or by police;
 - (ii) complaints of atrocities on women, such as harassment for dowry, bride burning, rape, murder and kidnapping;
 - (iii) complaints relating to family pensions; and
 - (iv) complaints of refusal by police to register the case.
- (c) In such cases, a Report from the concerned Authority shall be obtained before placing the matter before the Judge for consideration as to the registration of the case as a writ petition.

Order XLVIII of the Rules

After dismissal of a case in exercise of review jurisdiction under Article 137 of the Constitution, by way of circulation, a curative petition can be filed under the inherent jurisdiction of the Court to prevent abuse of its process and cure gross miscarriage of justice, as per the law laid down in the case of *Rupa Ashok Hurra vs. Ashok Hurra and Anr.* [2002 (4) SCC 388].

CHAPTER III

CLASSIFICATION OF CASES

A. The main cases shall ordinarily be classified and abbreviated as follows -

1.	Arbitration Petition	[fc]
2.	Civil Appeal	[ac]
3.	Contempt Petition (Civil)	[cc]
4.	Contempt Petition (Criminal)	[cr]
5.	Criminal Appeal	[ar]
6.	Election Petition	[ec]
7.	Original Suit	[oc]
8.	Petition for Special Leave to Appeal (Civil)	[sc]
9.	Petition for Special Leave to Appeal (Criminal)	[sr]
10.	Special Reference Case	[lc]
11.	Transferred Case (Civil)	[nc]
12.	Transferred Case (Criminal)	[nr]
13.	Transfer Petition (Civil)	[tc]
14.	Transfer Petition (Criminal)	[tr]
15.	Tax Reference Case	[xc]
16.	Writ Petition (Civil)	[wc]
17.	Writ Petition (Criminal)	[wr]
18.	Review Petition (Civil)	[rc]
19.	Review Petition (Criminal)	[rr]
20.	Curative Petition (Civil)	[qc]
21.	Curative Petition (Criminal)	[qr]

1. **Arbitration Petition** – A petition under Section 11(5) of the Arbitration and Conciliation Act, 1996, shall be registered as an Arbitration Petition.
2. **Civil Appeal** – Ordinarily, the following category of cases shall be registered as civil appeals:
 - (1) appeals by certificate under Articles 132 and 133 of the Constitution read with Order XIX of the Rules;
 - (2) appeal, upon grant of special leave to appeal, under Article 136 of the Constitution read with Order XXI of the Rules;
 - (3) appeal under Section 130E of the Customs Act, 1962;

- (4) appeal under Section 35L of the Central Excise and Salt Act, 1944;
 - (5) appeal under Section 23 of the Consumer Protection Act, 1986;
 - (6) appeal under Section 27A of the Consumer Protection Act, 1986;
 - (7) appeal under Section 19(1)(b) of the Contempt of Courts Act, 1971;
 - (8) appeal under Section 38 of the Advocates Act, 1961;
 - (9) appeal under Section 116A of the Representation of People Act, 1951;
 - (10) appeal under Section 18 of the Telecom Regulatory Authority of India Act, 1997;
 - (11) appeal under Section 15Z of the Securities and Exchange Board of India Act, 1992;
 - (12) appeal under Section 261 of the Income Tax Act, 1961;
 - (13) appeal under Section 53T of the Competition Act, 2002;
 - (14) appeals under Sections 30 and 31 of the Armed Forces Tribunal Act, 2007;
 - (15) appeal under Section 125 of the Electricity Act, 2003;
 - (16) appeal under Section 29(1) of the Wealth Tax Act, 1957;
 - (17) appeal under Section 22 of the National Green Tribunal Act, 2010;
 - (18) appeal under Section 10 of the Special Court (Trial of offences relating to Transaction in Securities) Act, 1992;
 - (19) appeal under Section 423 of the Companies Act, 2013;
 - (20) appeal under Sections 17 and 18 of the Airport Economic Regulatory Authority of India Act, 2008.
3. **Contempt Petition (Civil)** – A petition under Rule 3 of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, read with Section 2(b) of the Contempt of Courts Act, 1971, and Articles 129 and 142(2) of the Constitution shall be registered as a Contempt Petition (Civil).
4. **Contempt Petition (Criminal)** – A petition under Rule 3 of the

Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, read with Section 2(c) of the Contempt of Courts Act, 1971, and Articles 129 and 142(2) of the Constitution shall be registered as a Contempt Petition (Criminal).

5. **Criminal Appeal** – Ordinarily, the following cases shall be registered as criminal appeals --
 - (1) appeals by certificate under Articles 132(1) and 134(1)(c) read with Order XX of the Rules;
 - (2) appeal under Article 134(1)(a) and (b) or made any other provision of law under Order XX of the Rules;
 - (3) appeal, upon grant of special leave to appeal, under Article 136 of the Constitution read with Order XXII of the Rules;
 - (4) appeals under Sections 30 and 31 of the Armed Forces Tribunal Act, 2007;
 - (5) appeal under Section 10 of the Special Court (Trial of Offences relating to Transaction in Securities) Act, 1992; (Criminal);
 - (6) appeal under Section 374 of the Code of Criminal Procedure, 1973;
 - (7) appeal under Section 380 of the Code of Criminal Procedure, 1973;
 - (8) appeal under Section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, as amended by the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Amendment Act, 1972, read with Section 379 of the Code of Criminal Procedure, 1973;
 - (9) appeal under Section 19(1)(b) of the Contempt of Courts Act, 1971.
6. **Election Petition** – A petition under Part III of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952) read with Article 71 of the Constitution and Order XLVI of the Rules relating to doubts and disputes in relation to the election of a President or Vice-President shall be registered as an Election Petition.

7. **Original Suit** – A suit filed under Article 131 of the Constitution shall be registered as Original Suit in relation to any dispute--
 - (i) between the Government of India and one or more States; or
 - (ii) between the Government of India and any State or States on one side and one or more other States on the other; or
 - (iii) between two or more States.
8. **Petition for Special Leave to Appeal** – A petition filed under Article 136 of the Constitution from an order of the High Court refusing to grant certificate under Article 134A of the Constitution or in any other case from any judgment, decree, determination, sentence or order passed or made by any Court or Tribunal, except relating to armed forces. It may be either civil or criminal.
9. **Special Reference Case** – Ordinarily, the following cases shall be registered as References:
 1. Reference under Articles 143(1) and (2) of the Constitution;
 2. Reference under Article 317(1) of the Constitution;
 3. Reference under Section 11 of the Competition Act, 2002;
 4. Reference under Section 14(1) of the Right to Information Act, 2005;
 5. Reference under Section 17(1) of the Right to Information Act, 2005;
 6. Reference under Section 257 of the Income Tax Act, 1961;
 7. Reference made by Central Government or Statutory Tribunals under Order XLIV of the Rules;
 8. Reference under Section 27(3A) of the Wealth Tax Act, 1957;
 9. Reference under Section 11(3) of the Companies Act, 2002;
 10. Reference under Section 7(1) of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.
10. **Transferred Case** – A case under Article 139A(1) of the Constitution read with Order XL of the Rules, upon being transferred by the High Court to this Court, shall be registered as a Transferred Case.

11. Transfer Petition –

- (i) petition filed under Article 139A(1) of the Constitution of India shall be registered as Transfer Petition. It may be either civil or criminal;
- (ii) petition filed under Article 139A(2) of the Constitution of India shall be registered as Transfer Petition. It may be either civil or criminal;
- (iii) petition filed under Section 25 of the Code of Civil Procedure, 1908, shall be registered as Transfer Petition (Civil);
- (iv) petition filed under Section 406 of the Code of Criminal Procedure, 1973, shall be registered as Transfer Petition (Criminal); and
- (v) petition filed under Section 11 of the Terrorist Affected Areas (Special Courts) Act, 1984, shall be registered as Transfer Petition (Criminal).

Note

A transfer petition seeking transfer of a case relating to the State of Jammu and Kashmir shall be filed in terms of the ratio laid down in *Anita Kushwaha vs. Pushap Sudan* (Transfer Petition (C) No. 1343 of 2008).

12. Writ Petition –

- (i) petition under Article 32 of the Constitution relating to an infringement of a right in Part III of the Constitution in a civil case, other than *habeas corpus*, shall be registered as Writ Petition (Civil);
- (ii) petition under Article 32 of the Constitution relating to a criminal matter, including *habeas corpus*, shall be registered as Writ Petition (Criminal);
- (iii) petition under Article 32 of the Constitution of India relating

to public interest litigation shall be registered as Writ Petition (PIL). It may be either civil or criminal;

(iv) petition under Article 32 of the Constitution seeking transfer of a case relating to the State of Jammu and Kashmir and shall be registered as Writ Petition (Tr.). It may be either civil or criminal;

13. Any other case filed in this Court which does not fall under any of the above categories may be classified and registered in accordance with or under any other provision of law or orders of the Court or special or general orders of the Chief Justice passed in that behalf.
14. **Review Petition** – A petition under Article 137 of the Constitution read with Order XLVII of the Rules shall be registered as a Review Petition. It may be either civil or criminal.
15. **Curative Petition** – A petition under Order XLVIII of the Rules shall be registered as a Curative Petition. It may be either civil or criminal

General

The cases arising out of the Terrorist and Disruptive Activities (Prevention) Act, 1987, or the Monopolies and Restrictive Trade Practices Act, 1969, or under any other law, which have since been repealed, have not been indicated in the Chapter though cases arising therefrom, prior to repeal, are pending consideration of the Court.

CHAPTER IV

CONSTITUTION AND JURISDICTION OF BENCHES

I. Single Bench

1. Under Order V Rule (2) of the Rules, the powers of the Court in relation to the following matters may be exercised by a Single Judge sitting in Chambers, namely:

- (1) Application by advocate-on-record for leave to withdraw or for change or discharge of advocate-on-record.
- (2) Application for leave to compromise or discontinue an appeal where permission was granted to sue as an indigent person.
- (3) Application for striking out or adding party or for intervention in a suit, appeal or other proceeding.
- (4) Application for separate trials of causes of action.
- (5) Application for separate trials to avoid embarrassment.
- (6) Rejection of plaint.
- (7) Application for setting down for judgment in default of written statement.
- (8) Application for better statement of claim or defence.
- (9) Application for particulars.
- (10) Application for striking out any matter in a pleading.
- (11) Application for amendment of pleading and for enlargement of time to amend any pleading.
- (12) Application to tax bills returned by the Taxing Officer.
- (13) Application for review of taxation.
- (14) Application for enlargement or abridgement of time, except application for condonation of delay in filing Special Leave Petitions.
- (15) Application for issue of commissions.
- (16) Application for assignment of security Bonds.

- (17) Questions arising in taxation referred by the Taxing Officer.
- (18) Application for orders against clients for payment of costs.
- (19) Application for taxation and delivery of bill of costs and for delivery by an advocate of documents and papers.
- (20) Application for registration of advocates as advocates on record.
- (21) Application for leave to proceed as an indigent person.
- (22) Application for grant of bail where the petitioner is confined in jail for offence punishable with imprisonment upto seven years.
- (23) Application for stay of execution of a sentence or order in criminal proceedings.
- (24) Application by accused persons in custody for being produced before the Court at the hearing of the appeal.
- (25) Consent application in interlocutory matters.
- (26) Application by accused persons for engagement of advocate under rule 16 of Order XX.
- (27) Fixing the remuneration of a guardian *ad litem*.
- (28) Summons for non-prosecution, which includes the power of dismissal for non-prosecution.
- (29) Office Report on default.
- (30) Application for exemption from paying court fee or extension of time for paying court fee or for furnishing undertaking, bank guarantee or security.
- (31) Application for substitution, application for condonation of delay in seeking substitution and application involving setting aside abatement.
- (32) Application for condonation of delay in re-filing where the delay exceeds 60 days from the date of notifying the defects.
- (33) Application for refund of security.
- (34) Application for withdrawal of any appeal, petition or suit with the consent of all the appearing parties or where the other side has not appeared.

- (35) Application for exemption from surrendering, provided that not more than one opportunity be granted for surrendering. In case of refusal and/or if accused do(es) not surrender, the matter be placed before the Hon'ble Judge in Chambers for non-prosecution.
- (36) Issue of fresh summons and notices.
- (37) Application of a person who is not a party to the case, appeal or matter, for inspection or search or grant of copies for good cause shown.
- (38) Application by third parties for return of documents.
- (39) Application to appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record thereon.
- (40) Application for consolidation of appeals and writ petitions for purposes of hearing, and preparation of record.
- (41) Application for amendment of pleadings with the consent of all the appearing parties, or where the other side has not appeared.

Note :

- (i) "Office Report on Default" includes cases under Order III Rule 8(vii) proviso of the Rules.
 - (ii) An appeal shall lie to the Judge in Chambers against the order of the Registrar under Order V Rule 1 and Order VIII Rule 6(3) and (4) of the Rules within fifteen days from the date of such order.
 - (iii) The Judge in Chambers may at any time adjourn any matter and lay the same before the Court.
2. In exercise of powers conferred by Order II Rule 6 of the Rules, the Chief Justice may direct matters of urgent nature to be heard by a Judge sitting singly during summer vacation or winter holidays.
 3. Under Order VI Rule 6 of the Rules, the Vacation Judge sitting singly may, in addition to exercising all the powers of a Judge in Chambers under the Rules, exercise the powers of the Court in relation to the following matters, namely:

- (i) Applications for special leave to appeal in urgent cases where interim relief is prayed for subject to the condition that the Vacation Judge shall not decide such a petition if it raises substantial question of law as to the interpretation of the Constitution.
- (ii) Applications for stay of execution of a decree or order or stay of proceedings in civil matters.
- (iii) Applications for transfer of cases under Section 406 of the Code of Criminal Procedure, 1973 (2 of 1974).
- (iv) Applications for stay of proceedings in criminal matters.
- (v) Applications under Article 32 of the Constitution of an urgent nature which do not involve a substantial question of law as to the interpretation of the Constitution.
- (vi) Issue of a rule *nisi* in urgent applications under Article 32 of the Constitution which involve a substantial question of law as to the interpretation of the Constitution.
- (vii) Applications of an urgent nature for transfer of cases under Section 25 of the Code of Civil Procedure, 1908 (5 of 1908).
- (viii) Issue of notice in applications of an urgent nature under Article 139A(1) of the Constitution; and
- (ix) Applications of an urgent nature for transfer of cases under Article 139A(2) of the Constitution.

II. Division Bench

- (i) Under Order VI Rule 1 of the Rules, subject to other provisions of the Rules, every cause, appeal or matter shall be heard by a Bench consisting of not less than two Judges nominated by the Chief Justice.
- (ii) Every cause, appeal or other proceedings arising out of a case in which death sentence has been confirmed or awarded by the High Court shall be heard by a Bench consisting of not less than three Judges.

- (iii) In exercise of powers conferred by Order II Rule 6 of the Rules, the Chief Justice may direct matters of urgent nature to be heard by a Division Court during the vacation.

III. Constitution Bench

- (i) Every case involving a substantial question of law as to the interpretation of the Constitution under Article 145(3) or any Reference made under Article 143 of the Constitution shall be heard by a Bench consisting of not less than five Judges.
- (ii) Every petition calling in question the election of the President and Vice-President under Article 71 of the Constitution read with Part III of the Presidential and Vice-Presidential Elections Act, 1952, shall be posted before a Bench of five Judges under Order XLVI of the Rules.
- (iii) The Chief Justice may, from time to time, constitute a Bench consisting of five or more Judges for the purpose of hearing any other cause, appeal or matter.

IV. Reference to Larger Bench

- (i) A Division Bench of two or more Judges may refer any cause, appeal or other proceeding, pending before it, to a larger Bench of not less than five Judges involving a substantial question of law as to the interpretation of the Constitution, as per proviso to Article 145(3) of the Constitution.
- (ii) Where, in the course of hearing of any cause, appeal or other proceeding, the Division Bench considers that the case should be dealt with by a larger Bench, it shall refer the case to the Chief Justice, who shall thereupon constitute such a Bench for hearing it.
- (iii) If a Bench of less than three Judges, hearing a cause, appeal or matter, is of the opinion that the accused should be sentenced to death, it shall refer the case to the Chief Justice, who shall

thereupon constitute a Bench of not less than three Judges for hearing it.

- (iv) After the Reference is answered by a larger Bench, wherever required, the case shall be placed before the Chief Justice for listing before an appropriate Bench for hearing and decision in accordance with the opinion of the larger Bench.

V. Review Petition

- (i)(a) An application for review under Order XLVII of the Rules read with Article 137 of the Constitution and shall, as far as practicable, be circulated to the same Judge or Bench of Judges that delivered the judgment or order sought to be reviewed:

Provided that in case of non-availability of a Judge or Judges of the Bench, by reason of retirement or otherwise, an application for review shall be heard by a Judge or Bench of Judges, as may be ordered by the Chief Justice.

- (b) Unless otherwise ordered by the Court, an application for review shall be disposed of by circulation without any oral arguments.

In the case of Mohd. Arif @ Ashfaq vs. The Registrar, Supreme Court of India & Others in 2014 9 SCC 737, the Supreme Court held that :-

“.....in review petitions arising out of those cases where the death penalty is awarded, it would be necessary to accord oral hearing in the open court.....”

- (c) Where an application for review of any judgment and order has been made and disposed of, no further application for review shall be entertained in the same matter.
- (ii)(a) An application seeking a review, clarification or modification of an award, passed by a Bench of Lok Adalat, shall be placed before the same Bench at any subsequent Lok Adalat for consideration.

- (b) Where any of the members comprising such Bench is/are not available, the application shall be placed before the Chief Justice for constitution of a Bench of Lok Adalat for consideration.
- (c) In case settlement, by consent, is not arrived at on the application for review, clarification or modification before the Lok Adalat, the same shall be placed, as per roster, before the Division Bench or as ordered by the Chief Justice.

VI. Curative Petition

A curative petition under Order XLVIII of the Rules shall be first circulated to, and heard by, a Bench of the three senior-most Judges and the Judges, who passed the judgment or order complained of, if available.

Unless otherwise ordered by the Court, a curative petition shall be disposed of by circulation, without any oral arguments.

If the Bench before which the petition was circulated concludes, by a majority, that the matter needs hearing, then it shall be listed before the same Bench, as far as possible.

VII. General

- (1) **Part-heard case** - A part-heard case shall be listed before the same Bench in seisin of the case:

Provided that if the case could not be disposed of on account of the retirement or non-availability of a Judge or released from part-heard, it shall be listed for hearing before a Bench, subject to any directions of the Chief Justice or as per roster.

- (2) **Contempt Petition (Civil)** - A contempt petition under Rule 3 of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, read with Articles 129 and 142(2) of the Constitution complaining disobedience or non-compliance of a judgment/order

passed by the Court or wilful breach of an undertaking given to a Court shall be listed before the Bench which passed the judgment/order alleged to have been disobeyed and not complied with.

- (3) **Contempt Petition (Criminal)** - A contempt petition under Rules (2) and (3) of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, read with Articles 129 and 142(2) of the Constitution shall be listed before the Bench where contempt was committed in view or presence or hearing of the Court or as per the directions of the Chief Justice.

Notwithstanding anything contained in this Chapter, the Chief Justice may, by a special or general order, direct a particular class or classes of cases to be listed before a particular Bench.

CHAPTER V

POWERS, DUTIES AND FUNCTIONS OF THE REGISTRAR

The Registrar shall have the following powers, duties and functions, subject to any further special or general orders of the Chief Justice:

1. to exercise the functions of the Secretary General, in his absence, upon being nominated by the Chief Justice;
2. to order affixation of seal on a certified copy issued by the Court;
3. to keep a list of all cases pending before the Court, and shall, at the commencement of each term, prepare, publish and port on the official website, a list of all cases ready for regular hearing in each class separately, to be called the 'Terminal List';
4. to prepare, publish and port on the official website at the end of each week, a list of cases, from out of the Terminal List, to be heard in the following week, as far as possible in the order in which they appear in Terminal List, subject to the directions of the Chief Justice, if any, and out of the Weekly List, shall publish at the end of each day, a Daily List of cases to be heard by the Court on the following day;
5. to prepare, publish and port on the official website, Advance List, Daily List and Supplementary List of the admission hearing cases;
6. to publish such other Lists, subject to general or special orders of the Chief Justice;
7. to require any plaint, petition of appeal, petition or other proceeding presented to the Court to be amended in accordance with the practice and procedure of the Court or to be represented after such requisition as the Registrar is empowered to make in relation thereto has been complied with;
8. to fix the date of hearing of appeals, petitions or other proceedings and issue notices thereof;
9. to settle the index in cases where the record is prepared in the Court;
10. to make an order for change of advocate on-record with the consent of the advocate-on-record;
11. to direct any formal amendment of record;

12. to grant leave to inspect and search the records of the Court and order the grant of copies of documents to parties to proceedings, without interfering or dispensing with any mandatory requirement of the Rules;
13. to allow from time to time on a written request any period or periods not exceeding twenty eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal or other proceeding in conformity with the Rules and practice of the Court;
14. to require the Supreme Court Legal Services Committee to assign an advocate in a petition/appeal to a party in-person;
15. to interact with a party, who wants to appear and argue the case in-person, and give opinion by way of office report whether the party in-person will be able to give necessary assistance to the Court for proper disposal of the case or an advocate may be appointed as *amicus curiae*;
16. to communicate to all the High Courts and the Secretary to the Bar Council of India as also the Secretary of the State Bar Council concerned the name of an advocate, who has been designated as a senior advocate and the date on which he was so designated;
17. to publish list of touts under Order IV Rule 14 of the Rules and post it on the official website as also, by general or special order, exclude such persons from the precincts of the Court whose names are included in the list of touts;
18. to pass orders, for reasons to be recorded in writing, declining to register a document, where the party fails to take any steps for removal of the defect within a period not exceeding twenty eight days in aggregate under Order VIII Rules 6(3) and (4) of the Rules;
- 19.(i) to decide the question of, and determine, deficient or proper amount of the court fee payable and if the court fee paid on account of *bona fide* mistake is insufficient, to call upon that party to make good the deficiency within a period not exceeding three months;
- (ii) to make a declaration and forward a requisition for recovery of deficient court fee to the Central Government, from the person liable to pay, as arrear of land revenue, if the deficiency is not made good within a period of three months;
20. to allow a party to any cause, appeal or matter, on an application, to search or inspect all pleadings and other documents or records in the case, on payment of the prescribed fee and charges;

21. to permit, in his discretion, any record to be sent to any Court, Tribunal or other public Authority on requisition received from such Court, Tribunal or Authority;
22. to reconstruct the record with the approval of the Chief Justice, in case the record is lost or irretrievably misplaced;
23. to settle the decree in terms of Order XII of the Rules;
24. to certify the accounts every month, duly checked and tallied with the monthly statements of receipts and payments received from the Pay and Accounts Officer of the Court;
25. to refuse to receive a petition on the ground that it discloses no reasonable cause or is frivolous or contains scandalous matter under Order XV Rule 5 of the Rules;

[The petitioner may, within fifteen days, impugn the order of the Registrar, by way of motion, to the Court.]

26. to report to the Court, in the form of special case, as to the nature of the proceedings based on a question of law and the record that may be necessary for discussion of the case under Order XIX Rule 5 of the Rules;
27. to issue summons to show cause before the Court why the appeal should not be dismissed for non-prosecution, if the appellant is not prosecuting the appeal with due diligence;
28. to pass orders, who is the proper person to be substituted or entered on the record in place of, or in addition to, the party on record and the name of such person shall thereupon be substituted or entered on the record:

Provided that no such order of substitution shall be made where a question arises whether or not the person is the legal representative of the deceased party or a question involving setting aside the abatement of the cause is involved.

29. to prepare roster under the directions of the Chief Justice;
30. to accept Bank Guarantee furnished by a party “till the disposal of the case” under Form No.27 appended to the Rules;
31. to order an engagement of an advocate from the panel of the Supreme Court Legal Services Committee or assign a panel advocate maintained by the Registry at the cost of the State in a jail petition/appeal;

32. to call, wherever necessary, from the proper officer of the Court appealed from, the relevant documents for determination of the case, upon receipt of the jail petition/appeal;
33. to direct in which of the newspapers publication, referred to in Order V Rule 20 and in the proviso to Rule 9A of Order XLV of the Code, shall be made, unless specifically directed by the Court;
34. to direct issue of notice by *Dasti*;
35. to give notice to the Attorney General for India on receipt of a Reference under Article 143 of the Constitution to appear before the Court on a day specified in the notice to take the directions of the Court as to the parties who shall be served with notice of such Reference;
36. to transmit to the President the Report of the Court after hearing of the Reference under Article 143 of the Constitution;
37. to give, in a Reference under Order XLIII of the Rules, notice to the person sought to be removed from the concerned office and to the Attorney General for India or the Advocate General of the particular State or to such person as the Statute under which the Reference is made, so provides, to appear before the Court on a day specified in the notice to take directions of the Court in the matter of the inquiry in a Reference under Article 317(1) of the Constitution or any Statute or a Reference made by the Governor under any Statute;
38. to record evidence in a Reference, except under Article 143 of the Constitution, and in original suit under Article 131 of the Constitution, wherever necessary;
39. to place before the Chief Justice the Reference under Section 257 of the Income Tax Act, 1961, for the purpose of assigning the case to a Bench of not less than three Judges;
40. to transmit a copy of the order made in a Reference under Section 257 of the Income Tax Act, 1961, to the Income Tax Appellate Tribunal under the seal of the Court;
41. (a) to receive election petition under Order XLVI of the Rules relating to the election of the President and Vice- President under Part-III of the Presidential and Vice-Presidential Elections Act, 1952;

- (b) to require the petitioner to deposit a sum of Rs. 50,000/-, in cash or by Bank draft either with himself or an officer nominated by him as security for the payment of all costs that may become payable by the petitioner;
 - (c) to require an affidavit as regards service of notice on the Secretary to the Election Commission, the Returning Officer and to the Attorney General for India to be filed with him within five days of the presentation of the petition or within such further time, as the Court may allow;
 - (d) to send a copy of the order made in the election petition to the Central Government for publication in the official gazette;
- 42. to receive, register and number a plaint presented to him and to sign the list of documents annexed thereto, if, he on examination, finds it to be correct;
 - 43. to consider an application to be excused from compliance with the requirements of any of the Rules under Order LV of the Rules and to take instructions of the Judge in Chambers thereon and communicate the same to the parties but, if, in his opinion, it is desirable that the application should be dealt with in open Court, he may direct the applicant to serve the other party with a notice of motion returnable before the Court;
 - 44. (a) to direct any paper assigned to Part II to be transferred to Part I for being preserved permanently under Order LVI of the Rules;

(b) to decide, on a reference being made, the Part under which a record, which do not fall either under Part I or Part II as classified in the Rules, should be included;
 - 45. to decide any dispute regarding subject category and valuation;
 - 46. to sign warrants of arrest; bond and bail bond after arrest under a warrant; and warrant of commitment for contempt in Form Nos. II, III and IV appended to the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975;
 - 47. to require Additional Registrar/Deputy Registrar to submit report as regards examination of files relating to 'Not Ready' cases and directions and guidance given to the subordinate officers/officials to make them 'Ready' for being submitted to the Secretary General;
 - 48. to pass orders to 'Lodge' a letter petition if, on scrutiny, the same is not found to be covered under the Public Interest Litigation guidelines;

49. to perform any other duties as may be assigned by the Secretary General or the Chief Justice.

Taxing Officer

The Chief Justice may appoint the Registrar or such other officer as the Taxing Officer of the Court, who shall decide, *inter alia*, the following questions relating to the court fee:

- (i) Where, in his opinion, a fee ought to be allowed for any matter not provided for in the Rules or a question arises in taxation, he may refer such matter to the Judge in Chambers for orders, wherever he considers it necessary.
- (ii) Wherever, at the stage of scrutiny, a question as regards proper court fee is raised and the document is insufficiently stamped, he shall decide such question before the document or the proceeding is acted upon in the Registry.
- (iii) Where, during the course of pendency of a suit, appeal or proceedings, if, on account of mistake or inadvertence, a document which ought to be stamped in a certain manner has been received and acted upon without it being stamped or that the court fee paid thereon initially was insufficient, he, after hearing the party, shall record a declaration to that effect and determine the amount of deficiency in court fee.
- (iv) If the court fee paid is insufficient, he, after hearing the advocate on-record or the party in-person, as the case may be, shall decide the dispute and, if required, call upon the party concerned to make good the deficiency within a period not exceeding three months in any case.
- (v) If, after the conclusion of the proceedings, the deficiency is not made good within three months of the declaration made, he shall forward a requisition for recovery of the deficient court fee to the Central Government, which shall recover the amount from the person liable to pay as arrear of land revenue.
- (vi) He shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.

Powers under Order V Rule 1 of the Rules

The Registrar shall exercise powers of the Court under Order V Rule 1 of the Rules in relation to the following matters, namely:

- (1) Application for discovery and inspection.
- (2) Application for delivery of interrogatories.
- (3) Application for substituted service, or for dispensing with service of notice of the appeal on any of the respondents to the appeal under Rule 7 of Order XIX.
- (4) Application for time to plead, for production of documents, and generally relating to the conduct of cause, appeal or matter *save* those coming under Rule 2 of the Order.
- (5) Application for leave to take documents out of the custody of the Court.
- (6) Questions arising in connection with the payment of court fees.
- (7) Application for the issue of a certificate regarding any excess court fee paid under a mistake.
- (8) Application for requisitioning records from the custody of any Court or other authority.
- (9) Application for condoning delay in paying deficit court fees.
- (10) Application for condonation of delay in filing statement of case, provided that where the Registrar does not think fit to excuse the delay, he shall refer the application to the Court for Orders.
- (11) Application for appointment and for approval of a translator or interpreter.
- (12) Application for withdrawal of appeal by an appellant prior to his lodging the petition of appeal.
- (13) Application for production of documents outside Court premises.
- (14) Application for payment into Court.
- (15) Application for payment out of Court of money or security, or interest or dividend on securities.
- (16) Application for extending returnable dates of warrants.
- (17) Application for refund of security deposit or part thereof, or for payment out of security deposit.
- (18) Application for directions regarding preparation of record.

- (19) Application for exemption from filing of certified copies of judgments, decrees, orders, certificates or orders granting certificate:

Provided that application for exemption from filing of certified copies of judgments or orders accompanying a special leave petition shall be posted before the Court along with the Special Leave Petition.

- (20) Application for condonation of delay in re-filing, provided the delay does not exceed 60 days from the date of notifying the defects.
- (21) Application for condonation of delay in filing process fee.
- (22) Application for extension of time for filing pleadings, provided that the Registrar shall not grant more than one extension for the purpose exceeding four weeks.
- (23) Application for cancellation of date on the written joint request of the appearing parties, provided the matter has not appeared in the final cause-list, on the date of filing of application.
- (24) Office Report for renewal of Fixed Deposit Receipts and Bank Guarantees, subject to directions otherwise by the Court.
- (25) Application for exemption from filing official translation.
- (26) Application for exemption from filing process fee and/or spare copies.
- (27) All uncontested Interlocutory Applications of formal nature.
- (28) Any matter which in accordance with orders or directions issued by the Court, is required to be dealt with by the Registrar.
- (29) Imposing costs on the party in default of compliance of the orders passed by the Registrar.
- (30) Pre-final hearing matter to certify that the matter is ready in all respects to list the same before the Court for final hearing.

Note

The Registrar may, and if so directed by the Judge in Chambers, shall, at any time adjourn any matter and lay the same before the Judge in Chambers.

CHAPTER VI

ROSTER

1. The roster shall be prepared by the Registrar (J-I) under the orders of the Chief Justice. It may contain general or special instructions regarding assignment/allocation of work to a Bench and includes allocation of work of a Bench, on account of non-availability, to another Bench.
2. In order to meet contingencies, the Chief Justice may, from time to time, direct the Registrar (J-I) to prepare roster instructions or amendments for re-allocation of judicial work.
3. The roster instructions and amendments shall be prepared in such a manner so as to ensure that no judicial time is wasted.
4. Where a Bench directs listing of a case before another Bench, particular Bench, appropriate Bench or larger Bench, as the case may be, the Registrar (J-I) shall place the matter before the Chief Justice for orders.

CHAPTER VII WORKING HOURS AND VACATION

A. Court

1. The Court shall sit in two terms annually, first commencing from the termination of the summer vacation and ending with the day immediately preceding such day in December, as the Court may fix for the commencement of the Christmas and New Year holidays; and the second commencing from the termination of the Christmas and New Year holidays and ending with the commencement of the summer vacation.
2. The Benches, ordinarily, sit from 10.30 a.m. to 4.00 p.m. on Tuesday, Wednesday and Thursday and from 10.30 a.m. till the work is over on Monday and Friday.
3. The Court shall not, ordinarily, sit on Saturday, nor any other day notified as Court holiday in the Official Gazette.

Provided that the Court may sit on a Saturday, holiday or after Court hours on a working day, to hear a matter of urgent nature under the orders of the Chief Justice.

B. Offices of the Court

1. Except during vacation and on Saturdays and holidays, the offices of the Court shall, subject to any order of the Chief Justice, remain open from 10.00 a.m. to 5.00 p.m. but only work of urgent nature shall be admitted after 4.30 p.m.
2. Except on days which are holidays, the offices of the Court shall remain open from 10.00 a.m. to 1.00 p.m. on Saturdays but only work of urgent nature be admitted after 12.00 noon.
3. A counter, however, shall remain open from 5:00 p.m. to 7:00 p.m. for the purpose of filing of fresh cases where limitation expires on the date of filing.

C. Vacation Court

1. The Chief Justice may appoint one or more Judges to hear, during summer vacation or winter holidays, all matters of urgent nature which, under the Rules, may be heard by a Judge sitting singly, and, wherever necessary, may likewise appoint a Division Court for the hearing of such cases during the vacation, which are required to be heard by a Bench of Judges.
2. The Division Courts shall sit regularly during summer vacation to hear urgent admission matters as well as old regular hearing cases identified by the Registry.
3. The Registrar shall prepare, publish and port on the website the Advance List of such cases/matters.
4. Ordinarily, urgent admission hearing cases shall be heard on Mondays and left over matters, if any, be included in the list of the following working day. Old regular hearing cases be ordinarily heard from Tuesday to Friday.
5. No admission hearing case be entertained and considered for listing during vacation or holidays, unless it is, *inter alia*, accompanied by an affidavit indicating all the material facts necessary for formation of opinion about urgency, such as:
 - a) nature of the matter;
 - b) date of the impugned order, if any;
 - c) reason for not filing it before the vacation/holidays, if the impugned order was made or the cause of action arose on an earlier date;
 - d) latest date upto which the matter can be heard in view of the urgency indicated; and
 - e) nature of interim order sought in the matter.
6. The following cases shall be considered as cases of urgent nature:
 - (i) cases in which death penalty has been awarded;
 - (ii) petitions for *habeas corpus* and matters relating to it;
 - (iii) cases relating to imminent apprehension of demolition of

- property;
 - (iv) cases relating to dispossession/eviction;
 - (v) cases relating to violation of human rights;
 - (vi) cases relating to and of public importance; and
 - (vii) cases seeking anticipatory bail and cases filed against order refusing/granting bail.
7. The following category of cases shall not be treated as cases of urgent nature for listing during vacation or holidays:
- (i) cases arising out of interlocutory orders;
 - (ii) cases relating to remand orders;
 - (iii) cases relating to pre-deposit of tax, penalty, etc., under specified statutes;
 - (iv) cases arising out of life sentence or sentences for more than one year;
 - (v) service matters involving transfer and/or reversion, dismissal and removal from service;
 - (vi) transport matters, except those relating to cancellation of permits and requiring urgent interim orders; and
 - (vii) cases relating to decrees and their execution.
8. Notwithstanding anything contained hereinabove, the Chief Justice may, by a special or general order, constitute a Bench of any composition and direct a particular case or a particular class or classes of cases to be listed before a particular Bench.

D. Vacation Officer

1. A Vacation Officer shall be appointed for each month and his name, address and telephone numbers be ported on the website for the purpose of hearing cases of urgent nature on a Saturday, holiday or after court hours on a working day.
2. The procedure for consideration and listing of cases of urgent nature during the summer vacation and holidays shall apply *mutatis mutandis* to cases of urgent nature under clause (1) above.

CHAPTER VIII

ADVOCATE, VAKALATNAMA AND MEMO OF APPEARANCE

I. Advocate on-Record

- (a) An advocate on-record shall, on his filing a memorandum of appearance on behalf of a party accompanied by a vakalatnama duly executed by the party, be entitled--
 - (i) to act as well as to plead for the party in the case and to conduct and prosecute before the Court all proceedings that may be taken in respect of the said case or any application or miscellaneous application connected with the same or any decree or order passed therein, including proceedings in taxation, applications for review and curative petitions; and
 - (ii) to deposit and receive money on behalf of the said party.
- (b) No advocate other than an advocate on-record shall be entitled to file an appearance or act for a party in the Court.
- (c) Every advocate on-record shall keep such books of account as may be necessary to show and distinguish in connection with his practice as an advocate on-record--
 - (i) moneys received from or on account of and the moneys paid to or on account of each of his clients; and
 - (ii) the moneys received and the moneys paid on his own account.
- (d) Every advocate on-record shall, before taxation of the Bill of Costs, file with the Taxing Officer a certificate showing the amount of fee paid to him or agreed to be paid to him by his client.
- (e) No person having an advocate on-record shall file a vakalatnama authorizing another advocate on-record to act for him in the same case *save* with the consent of the former advocate on-record or by leave of the Judge in Chambers, unless the former advocate on-record is dead, or is unable, by reason of infirmity of mind or body, to continue to act.

- (f) Where a party changes his advocate on-record, the new advocate on-record shall give notice of the change to all other parties appearing in the case.
- (g) No advocate on-record may, without the leave of the Court, withdraw from the conduct of any case by reason only of non-payment of fees by his client.
- (h) An advocate on-record who, on being designated as a senior advocate or on being appointed as a Judge or for any other reason, cease to be an advocate on-record for any party in a case shall forthwith inform the party concerned that he has ceased to represent the said party as advocate on-record in the case.
- (i) No person having an advocate on-record shall be heard in-person *save* by special leave of the Court.
- (j) No advocate on-record shall authorize any person whatsoever, except another advocate on-record, to act for him in any case.
- (k) No advocate other than the advocate on-record for a party shall appear, plead and address the Court in a case unless he is instructed by the advocate on-record or permitted by the Court.
- (l) An advocate on-record shall be personally liable to the Court for the due payment of all fees and charges payable to the Court.
- (m) An advocate on-record shall notify to the Registrar his/her eMail address and the address of his office in Delhi and every change of such address, and any notice, writ, summons, or other document sent on such eMail address or served on him or his clerk at the address so notified by him shall be deemed to have been properly served.
- (n) An advocate on-record shall not involve in mere name lending without any further participation in the proceedings of the case as it would constitute misconduct or conduct unbecoming of an advocate on-record.

II. Advocate

- (i) Subject to the provisions of the Rules, an advocate, whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961), as amended, shall be entitled to appear before the Court.

Provided that an advocate whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961, for less than one year, shall be entitled to mention cases in Court for the limited purpose of asking for time, date, adjournment and similar such orders, but shall not be entitled to address the Court for the purpose of any effective hearing:

Provided further that the Court may, if it thinks desirable to do so for any reason, permit any person to appear and address the Court in a particular case.

- (ii) An advocate, other than a senior advocate, may, on his fulfilling the conditions laid down in Order IV Rule 5 of the Rules, be registered in the Court as an advocate on-record.

III. Senior Advocate

- (i) The Chief Justice and the Judges may, with the consent of the advocate, designate an advocate as senior advocate if, in their opinion, by virtue of his ability, standing at the Bar or special knowledge or experience in law, the said advocate deserves such a distinction.
- (ii) A senior advocate, on being so designated, shall not appear as senior advocate till he reports to the Registry that parties represented by him earlier as advocate on-record have been informed about his designation as senior advocate and that necessary arrangements have been made for the parties to make appearance before the Court in all the cases represented by him till then.

A senior advocate shall not--

- (i) file a vakalatnama or act in any Court or Tribunal in India;
- (ii) appear without an advocate on-record in the Court or without a junior in any other Court or Tribunal in India;
- (iii) accept instructions to draw pleadings or affidavit, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior; and
- (iv) accept directly from a client any brief or instructions to appear in any Court or Tribunal in India.

Note

Every advocate appearing before the Court shall wear such robes and costumes as may, from time to time, be directed by the Court.

III. Vakalatnama

- (a) Every vakalatnama in any cause, appeal or matter shall be executed by the party:

Provided that a person, other than a party to the cause, appeal or matter, may file vakalatnama on the basis of Power of Attorney but shall annex original Power of Attorney with the vakalatnama.

- (b) A vakalatnama filed by the State or its instrumentality under Article 12 of the Constitution or any body corporate shall be signed by the appropriate authority with official seal.
- (c) A vakalatnama shall –
 - (i) be filed on demy-foolscap size paper and one side of the paper be used;
 - (ii) mention the name, age, father's name and address of the person(s) appointing the advocate as also the serial number in the array of parties;
 - (iii) contain State Bar Council Enrolment Number, postal address, telephone number, mobile number, eMail address

- and registration number of the advocate on-record accepting the vakalatnama, for service;
- (iv) mention name of the person(s) executing the vakalatnama and advocate accepting the same, below their respective signatures;
 - (d) The Advocates Welfare Fund Stamp shall be pasted on the header of the vakalatnama, without covering any part of the text.
 - (e) Wherever a vakalatnama is found to be defective in any respect, the case in which it has been filed shall be dealt with as a defective case.
 - (f) Where the vakalatnama is executed in the presence of the advocate on-record, he shall certify that it was executed in his presence.
 - (g) Where the advocate on-record merely accepts the vakalatnama which is already duly executed in the presence of a Notary or an advocate, he shall make an endorsement thereon that he has satisfied himself about the due execution of the vakalatnama.

IV. Memo of Appearance

- (i) A memo of appearance shall, *inter alia*, consist of a declaration signed by the advocate on-record that he has been authorized, instructed and engaged to appear, act and plead for the party.
- (ii) Where the party has personally authorized, instructed and engaged the advocate on-record, memo of appearance shall be counter-signed by the party. Where the party is illiterate, thumb impression or other mark of the party on the memo of appearance shall be attested by at least two literate witnesses, who shall furnish their names and addresses, including police station in case of a criminal matter.
- (iii) Where a person, other than a party to the cause, appeal or matter, has authorized, instructed and engaged the advocate on-record on behalf of a party, the memo of appearance shall be accompanied by the Power of Attorney signed by the party authorizing such person to authorize, engage and instruct an advocate on-record to appear,

act and plead on his behalf. Such Power of Attorney shall clearly state the nature of relationship of such person with the party.

- (iv) If such authorization is not accompanied by Power of Attorney, the matter shall be dealt with as a defective case.

General

Constituted Attorney cannot appear before the Court in a case.

CHAPTER IX AFFIDAVITS

1. An affidavit for the purpose of any cause, appeal or matter before the Court may be sworn before a Notary or any authority mentioned in Section 139 of the Code or before a Registrar of the Court duly authorized in this behalf by the Chief Justice, or before an Oath Commissioner generally or specially authorized in that behalf by the Chief Justice.
2. Every affidavit shall be headed “In the Supreme Court of India” and shall be filed in the cause, appeal or matter for which it is sworn.
3. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

Every person or place referred to in an affidavit shall be fully described in such a manner so as to clearly establish the identity.

4. An affidavit shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications or miscellaneous applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.
5. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, if made within the State of Delhi, and if made elsewhere, shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.
6. Where the deponent is a pardahnashin lady, she shall affirm or take oath before a lady Registrar of this Court, which shall include an Additional Registrar, duly authorized by the Chief Justice, or before a lady Oath Commissioner, and shall also be identified by a person to whom she is known and the person shall prove the identification by a separate affidavit.
7. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, appeal or matter and shall be initialled and

dated by the authority before whom it is sworn.

8. No affidavit having any interlineation, alteration or erasure shall be filed in Court unless the interlineation or alteration is initialled or unless, in the case of an erasure, the words or figures written on the erasure are rewritten in the margin and initialled by the authority before whom the affidavit is sworn.

No correction in the affidavit after filing shall be permitted, except on an application supported by affidavit of the affiant. Such correction shall be made in the case of --

- (i) an affidavit, by filing a fresh affidavit of the affiant; and
 - (ii) a document, by the party or advocate providing the document.
9. An affidavit may be refused to be received by the Registrar where, in his opinion, the interlineations, alterations, or erasures are so numerous as to make it expedient that the affidavit should be rewritten.
10. Where a special time has been limited for filing affidavits, no affidavit filed after that time shall be used, except by leave of the Court.
11. Where an affidavit is filed in a pending case, it shall mention the case number and names of the first party on either side.
12. In the verification of petitions, pleadings or other proceedings, statements based on personal knowledge shall be distinguished from the statements based on information and belief. In the case of statements based on information, the deponent shall disclose the source of his information, including official records.
13. In case of affidavits filed in respect of a minor or a person of unsound mind under Order VII of the Rules, the proposed guardian/affiant shall state “that he has no interest in the matter in question in the appeal or petition adverse to that of the minor and that he is a fit and proper person to be so appointed”. The affidavit shall also state –

- (a) that the affiant has obtained consent of the person proposed to be appointed as guardian for the case and that the latter has consented to act as such;
 - (b) whether the minor has an appointed guardian or declared guardian, and if so, who that person is;
 - (c) if not, who is the natural guardian, and in the absence of a natural guardian, who actually has the custody of the minor; and
 - (d) where any person other than one of the above is proposed as guardian for the suit, the reason for not proposing the person omitted.
- 14. Nothing in this Chapter shall be deemed to limit the power of the Court to call for an affidavit in any case and to strike out from the affidavit any averment which is scandalous, frivolous, vexatious and irrelevant or which is otherwise an abuse of the process of the Court at the cost of the offending party.
- 15. The affidavit accompanying a petition for review made upon the ground of the discovery of new and important matter of evidence within the meaning of Order XLVII Rule 1 of the Code shall state in clear terms what such new and important matter of evidence is, the effect or purport thereof and that the same, after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him at the time when the order was made or the judgment was delivered. The documents, if any, relied upon shall be annexed to the petition.
- 16. The affidavit, accompanying a main case, an interlocutory application or a miscellaneous application dismissed for -
 - (i) default of appearance, or
 - (ii) failure to take any step within the specified time,
 - (a) shall state the circumstances under which such default was made, and
 - (b) whether or not the party whose main case or interlocutory application or miscellaneous

application was dismissed, had previous to such dismissal, engaged an advocate to conduct the main case or interlocutory application or miscellaneous application.

17. 'Affidavit' includes a petition or other document required to be sworn or verified and 'sworn' includes affirmed.
18. The affidavit, accompanying a curative petition, shall state in clear terms that the petition is governed by the judgment of the Court in the case of *Rupa Ashok Hurra vs. Ashok Hurra and Anr.*[2002 (4) SCC 388].

CHAPTER X

PREPARATION FOR FILING OF CASES

1. Every main case shall be accompanied by a 'computer sheet' in Form No.31, on demy-foolscap size or standard A4 size paper, duly filled in by the plaintiff, petitioner, appellant or by his advocate on-record or by his duly authorised agent, containing following information--
 - (i) Class of the Case;
 - (ii) Case number (to be filled by the Registry);
 - (iii) Name of the first party on either side;
 - (iv) Date of filing;
 - (v) Date of Registration (to be filled by the Registry);
 - (vi) Subject Matter;
 - (vii) Provision of law;
 - (viii) Subject Category Code (as per Annexure);
 - (ix) Name and State Bar Council Enrolment Number as also Advocate on-record Registration Number;
 - (x) Particulars of the High Court, lower Court, Authority or Tribunal etc.;
 - a) name,
 - b) designation,
 - c) case, file/order number,
 - d) date of impugned judgment/order.
 - (xi) Whether the party is desirous of getting the matter settled through any of the alternative modes of dispute resolution;
 - (xii) Caveat notice, whether received;
 - (xiii) Name and signature of the advocate on-record filing the main case.
2. Every plaint, petition, application and other document shall be presented by the plaintiff, petitioner, applicant, appellant, defendant or respondent in-person or by his duly authorised agent or by an advocate on-record duly appointed by him for the purpose.
3. No plaint, petition, appeal, application, pleading, affidavit or other document, except original exhibits and certified copies of public documents, shall be received, unless it is fairly and legibly written, type-written or lithographed in double-line spacing, on one side of

standard petition paper, demy-foolscap size, or of the size of 29.7 cm x 21 cm, or paper, which is ordinarily used in the High Courts for the purpose.

4. Copies filed for the use of the Court shall be neat, clear, sharp and legible without any inter-lining, encircling or unwanted remark on the documents. They shall be certified to be true copies by the advocate on-record or by the party in-person, as the case may be.
5. No document in language other than English shall be used for the purpose of any proceedings before the Court, unless it is accompanied by:
 - (a) a translation agreed to by both parties; or
 - (b) a translation certified to be true translation by a translator appointed by the Court; or
 - (c) the said document is translated by a translator appointed or approved and notified by the Court.
6. Every memorandum of appeal, petition or application, shall be headed “In the Supreme Court of India”.
7. Immediately below the heading, the jurisdiction, case number and the cause title under which the main case is filed shall be mentioned in that order.
- 8(i) In a pending main case, no interlocutory application, affidavit in opposition, rejoinder affidavit, affidavit or any other document shall be filed, unless a copy thereof has been previously served on the advocate on-record, or his registered clerk, of the opposite party or parties, as the case may be, or party in-person, who has entered appearance.

The advocate on-record or his registered clerk served with such copy shall acknowledge the receipt of the same by endorsement on the filing memo, writing his full name below the signature along with registration number and phone number.

- (ii)(a) A notice of motion shall be instituted in the suit or case in which the application seeking *ad interim ex-parte* relief is intended to be made and shall state the time and place of application and the nature of the order sought.

- (b) It shall be addressed to the party or parties intended to be affected by it, unless represented by an advocate on-record, in which case it shall be addressed to the advocate on-record.
- (c) It shall be signed by the advocate on-record of the party instituting the motion or by the party in-person.

Note

Where the Court orders filing of an affidavit, a copy of the affidavit so filed shall be served on the advocate on-record of the opposite party or his registered clerk or the party in-person, as the case may be, a week before the date of hearing or within such time, as may be specified by the Court or Rules or otherwise required in the given situation:

Provided that where the advocate on-record for the opposite party or his registered clerk or party in-person refuses to accept a copy, he may record his reasons for such refusal on the filing memo.

- (iii) No interlocutory application, affidavit in opposition, rejoinder affidavit, affidavit or document, shall be accepted at the Filing Counter without such acknowledgement, receipt or endorsement and no undertaking to effect the service later shall be entertained.

CIVIL MATTERS

The cause title of every memorandum of appeal or petition shall contain--

- (1) the name, description, registered address, fax number with S.T.D. code and eMail address, if any, of each appellant, petitioner or applicant, as the case may be, where such appellant, petitioner or applicant is a private person;
- (2) the name, description, registered address, fax number with S.T.D. code and eMail address, if known, of each person arrayed as respondent or opposite party, where such respondent or opposite party is a private person;
- (3) the status (whether plaintiff, defendant, petitioner, appellant, respondent, applicant or non-applicant, etc.) of the parties in the

Court(s) below;

- (4) the status (whether plaintiff, defendant, petitioner, appellant, respondent, applicant or non-applicant, etc.) of the parties in appeal, petition, suit, or application in the case of review or curative petition, as the case may be.

Arbitration Petition

1. A petition under Section 11(5) of the Arbitration and Conciliation Act, 1996, read with the Appointment of Arbitrators by the Chief Justice of India Scheme, 1996, shall set out concisely, in separate paragraphs, facts and particulars of the case in chronological order. It shall, *inter alia*, be accompanied by –
 - (a) the original arbitration agreement or a duly certified copy thereof;
 - (b) the names and addresses of the parties to the arbitration agreement;
 - (c) the names and address of the Arbitrators, if any, already appointed;
 - (d) the name and address of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
 - (e) the qualifications required, if any, of the arbitrators by the agreement of the parties;
 - (f) a brief written statement describing the general nature of the dispute and the points at issue;
 - (g) the relief or remedy sought; and
 - (h) an affidavit, supported by the relevant document, to the effect that the condition to be satisfied under sub-section (4) or sub-section (5) or sub-section (6) of Section 11, as the case may be, before making the petition, has been satisfied.
 - (i) The petition shall be lodged along with five copies of the petition and all the documents which accompany it;
2. The petitioner shall deposit, along with the petition, an amount of Rs.15,000/- towards the costs involved in processing the petition.

Civil Appeal

1. Every memo of petition of appeal, with necessary modifications and adaptation, shall be filed in Form No.28. No separate application for interim relief shall be filed and interim prayer, if any, shall be incorporated in the Form.
2. The petition of appeal, shall recite succinctly and in chronological order with relevant dates, the principal steps in the proceedings leading up to the appeal from the commencement thereof till the grant of the certificate of leave to appeal to the Court or all the relevant facts leading up to the order appealed from/complained of, as the case may be, and shall state the grounds on which the judgment under appeal is assailed.
3. The petition of appeal shall state the amount or value of the subject-matter of the suit or case in the Court of first instance and in the High Court, and the amount or value of the subject-matter in dispute before the Court with particulars showing how the said valuation has been arrived at. Where the appeal is incapable of valuation, it shall be so stated:

Provided that an appeal under Section 23 of the Consumer Protection Act, 1986 (68 of 1986) shall be accompanied by a Bank draft for Rupees fifty thousand or fifty percent of the amount, whichever is less, required to be paid by the person intending to appeal, in terms of the order of the National Consumer Disputes Redressal Commission, drawn in favour of the Registrar, Supreme Court of India, payable at New Delhi:

Provided further that in case of appeal by indigent person, it shall be accompanied by an affidavit from the appellant disclosing all the property to which he is entitled and the value thereof other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal and stating that he is unable to provide security or surety for the cost of respondent and pay Court fees.

4. The petition of appeal shall be accompanied by a certified copy of—

- (i) judgment and decree or order appealed from or authenticated copy of the order complained of, as the case may be;
- (ii) certificate granted by the High Court under Order XIX of the Rules; and
- (iii) the order granting the said certificate.

In cases where, according to the practice prevailing in the High Court, the decree or order is not required to be drawn up, it shall be so stated upon affidavit.

5. In appeals falling under any of the categories enumerated in Order XIX Rule 6 of the Rules, however, in addition to the documents mentioned above, a certified copy (or uncertified copy, if such copy is affirmed to be true copy upon affidavit) of the judgment or order and also of the decree of the Court immediately below or such a copy of the order of the Tribunal, Government Authority or person, as the case may be, shall also be filed.

Note

The following categories of appeals have been enumerated in Order XIX Rule 6 of the Rules:

- (a) an appeal from any judgment, decree or final order of a High Court summarily dismissing the appeal or the matter, as the case may be, before it;
 - (b) an appeal on a certificate granted by a High Court under Article 134A of the Constitution being a certificate of the nature referred to in clause (1) of Article 132 or clause (1) of Article 133 of the Constitution or under any other provision of law if the High Court has not recorded the reasons or the grounds for granting the certificate.
 - (c) an appeal under clause (b) of sub-section (1) of Section 19 of the Contempt of Courts Act, 1971 (70 of 1971).
6. Where at any time between the grant of Certificate under Article 134A of the Constitution for leave to appeal to the Court or making of the impugned judgment and order, as the case may be, and the filing of the petition of appeal, any party to the proceeding in the

Court below dies, the petition of appeal may be filed by or against the legal representative, as the case may be, of the deceased party:

Provided that the petition of appeal is accompanied by a separate application, duly supported by an affidavit, praying for bringing on record such person as the legal representative of the deceased party and setting out the facts showing him to be the proper person to be entered on the record as such legal representative.

7. Any grounds which can be raised only with the leave of the Court may be raised by filing a separate application seeking leave to appeal on those grounds.

Election Petition

1. A petition calling in question an election of the President or the Vice-President may be made on one or more of the grounds specified in sub-section (1) of Section 18 and Section 19 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952) by any candidate at such election; or by twenty or more electors joined together as petitioners in the case of Presidential election; or by ten or more electors joined together as petitioners in the case of Vice-Presidential election.
2. The petitioner shall state the right of the petitioner under the Act and briefly set forth the facts and grounds relied on by him to sustain the relief or reliefs claimed by him.
3. The petition shall be divided into paragraphs, numbered consecutively, each paragraph being confined to a distinct portion of the subject and shall be printed or typed legibly on one side of standard A-4 size paper.
4. The allegations of fact contained in the petition shall be verified by an affidavit to be made personally by the petitioner or by one of the petitioners, if more than one:

Provided that where the petitioner is unable to make such affidavit by reason of absence, illness or other sufficient cause, it may, with the sanction of the Judge in Chambers to be given at the time of the presentation of the petition, be made by any person duly

authorised by the petitioner and competent to make the same.

5. Every petition calling in question an election shall bear a certificate from a senior advocate to the effect that the petition discloses one or more substantial questions for challenging the election of the President or the Vice-President, as the case may be.
6. Upon the presentation of the petition, the petitioner shall deposit a sum of Rupees fifty thousand in cash or by bank draft with the Registrar or officer nominated by him as security for the payment of all costs that may become payable by the petitioner.

The election petition shall be prepared, processed, listed and heard in accordance with Order XLVI of the Rules.

Reference

1. The President may refer a question of law or fact of public importance which has arisen or is likely to arise or a dispute of the kind mentioned in the proviso to Article 131 of the Constitution to the Court under Article 143 of the Constitution read with Order XLII of the Rules to obtain the opinion of the Court.
2. The President under Article 317(1) of the Constitution or any Statute or the Governor under any Statute read with Order XLIII of the Rules may make a Reference containing grounds for inquiry and the charges against the person sought to be removed, along with the documents relied upon, in the matter of the inquiry.
3. The Central Government or Statutory Tribunal, as the case may be, may, under the provisions of any Act enabling such a Reference, make a Reference to the Court under Order XLIV of the Rules containing, *inter alia*, all the relevant facts of the case, definite charges against the person sought to be removed from the concerned office by virtue of the enabling provision for such removal and the statement of grounds on which each such charge is based.

Along with the order of Reference, seven copies thereof and eight copies of the transcript in English of the documents relating to the grounds on which the removal of the person is sought, one of which shall be duly authenticated, shall be transmitted to the Court.

- 4.(a) The Income Tax Appellate Tribunal, through its President, may make a Reference in the form of Statement of Case under Section 257 of the Income Tax Act, 1961, read with Order XLV of the Rules containing numbered paragraphs setting out all relevant facts and proceedings, having a bearing on the question(s) raised in chronological order with relevant dates. It shall contain an account of the conflict in the decisions of the High Courts necessitating the Reference.
- (b) Along with the order of Reference, the following documents shall be submitted:
- (i) A copy of the order of the Income Tax Officer;
 - (ii) Memorandum of appeal to the Appellate Assistant Commissioner;
 - (iii) A copy of the order of the Appellate Assistant Commissioner;
 - (iv) Memorandum of appeal to the Appellate Tribunal;
 - (v) A copy of the order of the Income Tax Appellate Tribunal under Section 254 of the Income Tax Act, 1961;
 - (vi) A copy of the application for reference under Section 256 of the Income Tax Act, 1961; and
 - (vii) Such other documents, as, in the opinion of the Income Tax Appellate Tribunal, may be required by the Supreme Court at the hearing of the reference.
- (c) The Tribunal shall transmit to the Court three copies of the transcript in English of the documents, one of which shall be duly authenticated.

Note

The References shall be forwarded to, and received by, the Registrar of the Court.

Petition for Special Leave to Appeal

- 1.(a) The petition for special leave to appeal invoking the extra-ordinary appellate jurisdiction under Article 136 of the Constitution read with Order XXI of the Rules shall be filed in Form No. 28. No separate application for interim relief need be filed and interim prayer, if any, be incorporated in the Form.
- (b) The petition shall be accompanied by-

- (i) a certified copy of the judgment or order appealed from; and
 - (ii) an affidavit in support of the statement of facts contained in the petition.
 - (c) It shall be accompanied by list of dates in chronological order with relevant material facts or events pertaining to each of the dates.
 - (d) It shall be confined only to the pleadings before the Court/Tribunal whose order is challenged. Additional grounds may, however, be urged with due notice to the respondent and with leave of the Court.
 - (e) (i) Copies of such petition/documents, which were part of the record in the case before the Court/Tribunal below, as may be necessary to answer the question of law arising for consideration in the petition or to make out the grounds urged in the petition, may be produced as annexures to the petition. The documents filed as annexures shall be arranged in chronological order and numbered as Annexure 1, 2, 3 and so on and shall indicate page numbers. They shall be indexed separately and not collectively.

(ii) The petitioner may produce any document not part of the records in the Court/Tribunal below by making a separate application seeking leave of the Court to produce additional document stating the reasons for not producing it in the Court/Tribunal below and the necessity for its production in the Court.

(iii) The English version of the relevant provisions of the Constitution, statutes, ordinances, rules, regulations, bye laws, orders, etc., referred to in the impugned judgment or order, shall be filed as appendix to the petition.
 - (f) Every petition shall be supported by the affidavit of the petitioners or one of the petitioners, as the case may be, or by any person authorized by the petitioner in which the deponent shall state that the facts stated in the petition are true and the statement of dates and facts furnished along with the petition are true to his knowledge and/or information and belief.
2. No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for

special leave to appeal against the impugned judgment or order earlier and, if so, with what result, duly supported by an affidavit of the petitioner or his *paikar* only.

3. The petition shall contain a statement as to whether the matter was contested in the Court appealed from and if so, the full name and address of all the contesting parties shall be given in the statement of facts in the petition.
4. It shall contain a statement as to whether a letters patent appeal or writ appeal lies against the impugned judgment or order and whether the said remedy has been availed.
5. No annexures to the petition shall be accepted unless they are certified copies of documents which have formed part of the record of the case in the Court appealed from:

Provided that uncertified copies of documents may be accepted as annexures, if such copies are affirmed to be true copies upon affidavit.

6. Where any person is sought to be impleaded in the petition as the legal representative of any party to the proceedings in the Court below, the petition shall contain a prayer for bringing on record such person as the legal representative and shall be supported by an affidavit setting out the facts showing him to be the proper person to be entered on the record as such legal representative.
7. Where at any time between the filing of the petition and the hearing thereof, the record becomes defective by reason of the death or change of status of a party to the appeal or for any other reason, an application shall be made to the Court stating who is the proper person to be substituted or entered on the record in place of or in addition to the party on record.
8. The petition shall state the amount or value of the subject-matter in the same terms as stated in clause 3 of the civil appeal hereinbefore.
9. In cases relating to Motor Vehicles Act, 1988, the following particulars shall be furnished:

- (i) Particulars of the Award:
 - (a) Case number:
 - (b) Date of the Award:
 - (c) Award passed under Section 163-A/166 of the Motor Vehicles Act, 1988:
 - (d) Name of the Member:
 - (e) Designation and place of sitting of the Tribunal:
- (ii) Particulars of the Accident:
 - (a) Time and date :
 - (b) Place :
Near Village/Locality :
Tehsil and District :
- (iii) Particulars of the offending vehicle:
 - 1. Registration No.
 - 2. Kind of Vehicle
 - 3. Owned by.(Appellant/Respondent No.)
 - 4. Driven by.....(Appellant/Respondent No.)
 - 5. Insured with (Appellant/Respondent No.)
- (iv) Name and description of the injured/deceased person:
 - 1. Name
 - 2. Age.....
 - 3. Father's/husband's name
 - 4. Occupation
 - 5. Address
- (v) (1) In fatal accident cases:
 - (a) Annual income of the deceased: Rs.....
(As adjudged by the Tribunal)
 - (b) Annual dependency of the claimant Rs.....
(As assessed by the Tribunal)
 - (c) Multiplier applied by the Tribunal
 - (d) Number of dependants and their
relationship with deceased
 - (e) Amount of compensation Rs.....
awarded by Tribunal
 - (f) Payable by
- (2) In non-fatal accident cases :
 - (a) Nature of injuries suffered

- with percentage of disability
(As adjudged by Tribunal)
- (b) Amount of expenses on treatment Rs.....
awarded by the Tribunal
- (c) Amount of damages as loss of Rs.....
Income, awarded by Tribunal
- (d) Amount of general damages Rs.....
awarded by Tribunal
- (e) Total compensation awarded Rs.....
- (f) Payable by.....
- (3) In cases of damage to property:
 - (a) Particulars of Property.....
 - (b) Nature of damage to the Property.....
(As adjudged by Tribunal)
 - (c) Total compensation awarded
 - (d) Payable by
- (vi) Details of Interest awarded by the Tribunal:
 - (1) Date from which interest is awarded.....
 - (2) Rate at which interest has been awarded.....%
- (vii) (1) Total amount of compensation awarded by High Court.
 (2) Date from which interest awarded.....
 (3) Rate at which interest has been awarded.....%
 (4) Multiplier applied by the High Court.....
 (5) Gross total.....
 (6) Amount, if any, already paid to the claimant(s)

- (viii) Relief Claimed in appeal:
 - (1) Enhancement/Reduction of
amount of compensation by Rs.....
 - (2) Exoneration/liability of insurer
 - (3) Award of interest at the rate of.....%
 - (4) Any other relief

Original Suit

1. A suit shall be instituted by the presentation of a plaint to the Registrar under Order XXVI of the Rules.

2. Two or more plaintiffs may join in one suit in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist. Similar shall be the case with defendants against whom any right to relief is alleged to exist.
3. A plaint shall contain the following particulars --
 - (a) names of the plaintiff and of the defendant;
 - (b) facts constituting the cause of action and when it arose;
 - (c) facts showing that the Court has jurisdiction; and
 - (d) declaration or relief which the plaintiff claims.
4. The plaintiff shall endorse on the plaint, or annex thereto a list of the documents, if any, which he has produced along with it.
5. Every pleading shall contain **only** a statement in a concise form of the material facts on which the party pleading relies, but not the evidence by which those facts are to be proved, nor any argumentative matter, and shall be divided into paragraphs numbered consecutively.
6. Every pleading shall be signed by an advocate-on-record on behalf of the Attorney General for India or by an advocate-on-record on behalf of the Advocate General for the State, as the case may be.

Note

Under Order XXIX of the Rules, 'pleading' means plaint or written statement.

Transfer Petition

1. (i) A petition under Article 139A(1) of the Constitution read with Order XL of the Rules shall set out concisely, in separate paragraphs --
 - (a) facts and particulars of the cases, pending before the Supreme Court and one or more High Courts or, as the case may be, before two or more High Courts;

- (b) names and addresses of the parties;
 - (c) question(s) of law involved; and
 - (d) statement that the same or substantially the same questions of law are involved in all the cases and that such questions are substantial questions of general importance.
- (ii) (a) In the case of a petition made by the Attorney General for India, no affidavit shall be necessary in support of the petition but it shall be accompanied by a certificate of the advocate on-record to the effect that such questions are substantial questions of general importance in terms of Article 139A(1) of the Constitution.
- (b) In the case of a petition made by a party to a case, it shall be accompanied by an affidavit in support thereof and also by a certificate, as stated in clause (1) above.
2. A petition under Article 139A(2) of the Constitution and/or Section 25 of the Code filed under Order XLI of the Rules shall state succinctly and clearly all relevant facts and particulars of the case, the names of the High Court or other Civil Court in which the case is pending and the Court to which the transfer is sought and the grounds on which the transfer is sought supported by an affidavit.

Review Petition

An application for review under Article 137 of the Constitution read with Order XLVII of the Rules shall be filed on the grounds mentioned in Order XLVII Rule 1 of the Code, namely, discovery of new and important matter or evidence which, after exercise of due diligence was not within the knowledge or could not be produced by the petitioner at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason.

It shall be accompanied by --

- (i) a certified copy or authenticated copy of the order or judgment sought to be reviewed; and
- (ii) a certificate of the advocate on-record certifying that it is the first application for review and is based on the grounds admissible under

the Rules.

Curative Petition

1. A curative petition shall be governed by the judgment of the Court in the case of *Rupa Ashok Hurra v. Ashok Hurra and Anr.* [2002 (4) SCC 388] and as per Order XLVIII of the Rules.
2. It shall contain specifically that no new grounds have been taken and the grounds mentioned in the petition had been taken in the application for review, which was dismissed by circulation.
3. It shall be accompanied by --
 - (i) a certificate of the senior advocate that the petition meets the requirements delineated in the case mentioned in clause (1) above;
 - (ii) a certified or authenticated copy of the judgment or order complained of; and
 - (iii) a certificate of the advocate on-record to the effect that it is the first curative petition in the impugned matter.

I. Writ Petition

1. A petition under Article 32 of the Constitution read with Order XXXVIII Rule 1 of the Rules for a direction or order or writ, including writs in the nature of *mandamus*, prohibition, *quo warranto* and *certiorari* or any of them, shall be filed in Form No. 32 setting out the name and description of the petitioner(s) and respondents(s), the nature of fundamental right infringed, the relief sought and the grounds on which it is sought.
2. The petition shall be --
 - (a) accompanied by original or certified copy or true copy of the order or decision, if any, complained of;
 - (b) supported by an affidavit verifying the facts relied upon.
3. The petitioner shall state whether the petitioner has moved the High Court for similar relief and, if so, with what result.
4. When a petitioner relies upon document(s) in his possession or power, he shall file those documents along with the petition. Where

such document is handwritten or is not fairly legible, it shall be accompanied by true, typed or printed copy thereof:

Provided that where such documents are not in his possession, the petition shall annex a list of such documents to the petition.

II. Public Interest Litigation

1. A writ petition in public interest invoking extraordinary original jurisdiction under Article 32 of the Constitution read with Order XXXVIII Rules 1 and 12(1)(d) and (2) of the Rules shall be filed in Form No. 33 and shall disclose --
 - (a) the full name of the petitioner, his complete postal address, eMail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card number, if any;
 - (b) the facts constituting the cause of action;
 - (c) the nature of injury caused or likely to be caused to the public;
 - (d) the nature and extent of personal interest, if any, of the petitioner(s);
 - (e) details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the public interest litigation; and
 - (f) whether the concerned Government Authority was moved for relief(s) sought in the petition and if so, with what result.
2. It shall be accompanied by an affidavit stating that the petitioner has no personal gain, private motive or oblique reason in filing such petition.
3. It shall contain a statement/declaration of the petitioner that, to his knowledge, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by the petitioner or

by any other person and in case such an issue was dealt with or a similar or identical petition was filed earlier, its status and the result thereof.

Interlocutory and Miscellaneous applications

In interlocutory application and miscellaneous application, so filed in a main case, the class and number of such main case shall be set out in the cause title.

CRIMINAL MATTERS

The cause title of every memorandum of appeal or petition shall contain--

- (i) the name, description and address with police station of each appellant or petitioner;
- (ii) the name, description and address with police station of each person, who is proposed to be made the opposite party;
- (iii) the status (whether prosecution, complainant, applicant, accused or non-applicant, etc.) of the parties in the court below, wherever required.

Criminal Appeal

- 1. The memo of petition of appeal shall, with necessary modifications and adaptations, be filed in Form No.28 in accordance with the provisions contained in clause (2) below.
- 2. It shall state succinctly and briefly, in chronological order, the principal steps in the proceedings from its commencement till its conclusion in the Court appealed from and shall state clearly in the following order --
 - (a)
 - (i) the name of the Judge and designation of the Court;
 - (ii) date of the impugned judgment/order; and
 - (iii) case number in which such judgment/order was passed by the original and/or appellate Court.
 - (b) facts of the case, in brief;
 - (c) question(s) of law;
 - (d) grounds, *in seriatim*;
 - (e) grounds for interim relief;

- (f) main prayer; and
- (g) interim relief, if any.
- 3. It shall contain the provisions of law under which the conviction has been recorded and the details of the sentence imposed, including fine, if any.
- 4. It shall be accompanied by a certified copy of the judgment or order appealed from and in the case of an appeal on a certificate, the certificate granted by the High Court and the order granting the said certificate.
- 5. In appeals falling under any of the categories enumerated in Order XX Rule 5(1) of the Rules, in addition to the documents mentioned above, a certified copy (or uncertified copy, if such copy is affirmed to be true copy upon affidavit) of the judgment or order of the Court immediately below shall also be filed.

Note

The following categories of appeals have been enumerated in Order XX Rule 5 of the Rules:

- (a) an appeal from any judgment, final order or sentence in a criminal proceeding of a High Court summarily dismissing the appeal or the matter, as the case may be, before it;
- (b) an appeal on a certificate granted by a High Court under Article 134A of the Constitution being a certificate of the nature referred to in clause (1) of Article 132 or sub-clause (c) of clause (1) of Article 134 of the Constitution or under any other provision of law if the High Court has not recorded the reasons or the grounds for granting the certificate;
- (c) an appeal under clause (b) of sub-section (1) of Section 19 of the Contempt of Courts Act, 1971 (70 of 1971).
- 6. (a) A memorandum of appeal against conviction shall contain a declaration that the convicted person is in custody or has surrendered after the conviction as also the prison in which he is lodged.
- (b) Where the appellant has not surrendered to the sentence, the petition of appeal shall not be accepted by the Registry, unless it is accompanied by an application for exemption from surrendering.
- (c) A certified copy of the order of the Court in which the

appellant has surrendered or a certificate of the competent officer of the Jail in which he is undergoing the sentence shall be filed as the proof of surrender.

- (d) A mere attestation of the signatures on the vakalatnama from the Jail authorities shall not be considered as sufficient proof of surrender.

Petition for Special Leave to Appeal

1. The petition for special leave to appeal shall be filed in Form No.28 in accordance with the provisions contained in Order XXI Rule 3(1) of the Rules with necessary modifications and adaptations.
2. The petition shall be accompanied by --
 - (i) a certified copy of the judgment or order appealed from; and
 - (ii) an affidavit in support of the statement of facts contained in the petition.
3. Every such memorandum shall contain the provision(s) of law under which the conviction has been recorded and the details of the sentence imposed, including fine, if any.
4. No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned judgment or order earlier, and if so, with what result, duly supported by an affidavit of the petitioner or his pairakar only.
5. (a) It shall be confined only to the pleadings before the Court/Tribunal whose order is challenged and the other documents relied upon in those proceedings.

(b) No additional facts, documents or grounds shall be stated or relied upon without express prior permission of the Court obtained on an application made for this purpose.
6. No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record in the Court appealed from:

Provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

7. The provisions as regards surrender in clause (6) of ‘Criminal Appeal’ in this Chapter shall apply *mutatis mutandis* to the petition for special leave to appeal. A similar declaration as regards confinement shall also be made in case of a petitioner seeking relief under Section 389 or Section 439 of the Code.

Jail Petition

The subject has been dealt with independently in Chapter XV.

Habeas Corpus

1. A petition for writ of *habeas corpus* under Order XXXVIII of the Rules shall be accompanied by an affidavit of the person restrained setting out the nature and circumstances of the restraint:

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the petition shall be accompanied by an affidavit to the like effect made by some other person acquainted with the facts and such affidavit shall also state the reason why the person restrained is unable to make the affidavit.

2. The petition shall state whether the petitioner has moved the High Court concerned for similar relief and, if so, with what result.

Transfer Petition

A petition under Section 406 of the Code read with Order XXXIX of the Rules shall state concisely in separate paragraphs the facts and particulars of the case, the name of the High Court or other criminal court in which the case is pending, and the Court to which the transfer is sought and the grounds on which the relief is sought supported by an affidavit or affirmation.

Bail Application

1. An application under Section 389 or 438 or 439 of the Code

and a petition in relation thereto shall contain information in the following manner:

Particulars of Crime	Particulars of Impugned Order
Crime No.....	Bail Application / Case No.....
Police Station.....	Date of the Order:.....
Offence u/s.....	Jail in which the prisoner is lodged, wherever applicable.....

- (a) An application under Section 389 of the Code seeking suspension of the sentence pending appeal and release on bail shall be accompanied by an affidavit of the applicant or his *paikar* acquainted with the facts of the case.
- (b) An application under Section 438 of the code seeking anticipatory or pre-arrest bail shall be supported by an affidavit of the applicant or his *paikar* acquainted with the facts of the case.
- (c) An application under Section 439 of the Code seeking bail on the instructions of a person other than the accused confined in prison shall be accompanied by an affidavit of the *paikar*.

2. Where the number of accused is more than one, the affidavit shall state that, to the best of the knowledge of the affiant, no bail application has been moved by any of the co-accused persons and, if such an application has been moved, details (such as, case number, whether pending; if not, the date of the order deciding the application) shall also be disclosed in the following manner:

S. No.	Name of the accused	Date of Application, If Known	Case Number	Date of the Order	Bench

3. No application under Section 389, 438 or 439 of the Code for the suspension of sentence and release on bail or grant of anticipatory bail or bail respectively, shall be entertained,

unless it contains an averment that a similar application relating to the same subject matter has or has not been made to the Court, and, if made, the date of filing, date of disposal and result thereof shall also be disclosed in the following manner:

S. No.	Name of the accused	Date of Application, If Known	Case Number	Date of the Order	Bench

4. Every subsequent application under Section 389 or 438 or 439 of the Code shall be accompanied by certified copies or true copies of the orders deciding earlier application(s).

GENERAL

1. No miscellaneous application for intervention, impleadment or direction by a third party shall be entertained, unless otherwise directed by the Court.
2. In the absence of a provision in any Statute or Rule for filing a main case, application for leave to file such case shall accompany the main case.
3. No case or document shall be accepted, unless prescribed court fee is paid.
4. No application or miscellaneous application shall be entertained where review of a judgment or order is sought and where provisions of Order XLVII of the Rules are attracted. In such a case, application for review shall be filed.
5. No miscellaneous application for restoration or recall shall be entertained in a main case dismissed peremptorily on account of failure to take steps within the specified period, unless the defects, so notified, have been cured.
6. A petition for special leave to appeal may be preferred against an interlocutory order made in a case under Section 21 of Consumer Protection Act, 1986.
7. An application for condonation of delay under Section 20 of the

Contempt of Courts Act, 1971, shall accompany a contempt petition in case such proceeding has been initiated after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

8. Where limitation has not been prescribed by the Rules or under any other provision of law, every interlocutory application or miscellaneous application shall be filed within thirty days from the date of the order or the cause and shall be accompanied by an application for condonation of delay in case the same is barred by limitation.
9. A copy of the judgment, referred to in the impugned order and reported in the journal, need not be filed, except in cases where the judgment has been reported in a local law journal, a photocopy or a typed authenticated copy thereof shall be filed.
10. Under Order XVI Rule 4(1) of the Rules, an appellant, whose appeal has been dismissed for default of appearance, may, within thirty days of the order, present a petition praying that the appeal may be restored.
11. Under Order XVI Rule 4(2) of the Rules, where an appeal is heard *ex parte* and judgment is pronounced against the respondent, he may apply to the Court to re-hear the appeal.
12. Under Order XX Rule 11 of the Rules, where an appeal has been dismissed for non-prosecution in terms of Rule 10 thereof, the appellant may, within thirty days of the order, present a petition praying that the appeal may be restored.
13. No petition shall lie against the President and Governors and Rajpramukhs of the States as they are not answerable for the duties of their offices under Article 361 of the Constitution.
14. No Judicial Officer, who has disposed of the case in the Court below, shall be impleaded as the contesting party respondent in the main case.
15. No writ of *mandamus* shall lie for an order of restatement to an office, which is essentially of a private character, nor can such an

application be maintained to secure the performance of obligations owed by a company towards its workmen or to resolve any private dispute.

16. Whenever the correctness of the judgment of this Court is involved in a writ petition, the certificate by the advocate on-record filing the petition shall invariably accompany the petition as under:

“Though he advised the petitioner that the judgment of this Court binds them and cannot canvass its correctness and still, in spite of such advice, the party insisted upon filing the writ petition.”

17. The case shall contain the date of drafting that may be of the same or prior to the date of filing.
18. The affidavit enclosed with the petition shall be of the same or subsequent date of the drafting of the petition and shall contain the date, number of paragraphs and pages of the petition.
19. Vakalatnama shall be of the same or the date prior to the drafting date of the petition.
20. The date of attestation on the vakalatnama by the Jail Superintendent shall be the same or subsequent to the date on which it was executed by the accused person.
21. In case of re-filing, the advocate on-record shall give a certificate that the defects communicated have been removed and no addition or alteration in the case, as originally filed, has been made. In case of material changes, such as, facts, paragraphs or page numbers, fresh affidavit shall be filed.
22. Upon re-filing of the case, the advocate on-record or advocate or party in-person, as the case may be, shall get an endorsement from the counter Assistant on the converse of the token that the case has been re-filed. He shall take back the paper book of the defective case retained by the Registry on the same day. No request for return of such paper book shall be accepted after two days.
23. The case file/paper book shall have one common index, as given below, having running pagination as per Column (iii), corresponding to the documents and/or applications to be kept in

Part I of the case file. The applications to be listed before the Court and Judge in Chamber/Court of Registrar shall be placed in Part I and Part II respectively. No applications included in Part II shall form part of the paper book.

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Note : (*) Page numbering is for illustration only.

CHAPTER XI

FILING AND PROCESSING OF CASES

- I. 1. Every main case, interlocutory application, miscellaneous application or other documents shall be presented by the party in-person or by his duly authorised agent or by his advocate-on-record at the Filing Counter during working hours and shall, wherever necessary, be accompanied by the documents required under the Rules.
2. Every appeal, petition or other proceeding by a minor shall be instituted or defended in his name by his next friend or guardian, as the case may be.
3. A party, adjudged as an indigent person in the courts below, may present the document before the Judicial authority of the place where he resides, and the said Judicial authority, after attesting the document and endorsing under his seal and signature the date of presentation, shall transmit the same to the Court by Registered Post Acknowledgement Due at the expense of the party concerned.

The date of endorsement by the Judicial authority shall be taken as the date of filing in this Court.

4. A plaint, petition or appeal not presented at the Filing Counter shall not ordinarily be accepted, unless directed by the Chief Justice or a Judge nominated by the Chief Justice for the purpose.
5. A petition received from a prisoner through Officer in-Charge of the jail shall be treated as lodged in the Court.
6. A *suo motu* petition, in pursuance of the order of the Chief Justice or a Judge of the Court or an order of the Court to treat a petition as public interest litigation shall be treated as a petition or letter petition, as the case may be.
7. A case presented through eFiling shall be treated as lodged in the Court.
8. The following cases shall be presented before the Registrar (J-I) --
- (i) an election petition under Article 71 of the Constitution read with Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952)

calling in question the election of a President and Vice-President.

- (ii) Reference made by the President under Article 143 of the Constitution.
 - (iii) Reference made by the President under Article 317(1) of the Constitution or any Statute or by Governor under any Statute.
 - (iv) Reference made by the Central Government/Statutory Tribunal under the provisions of any Act enabling the making of such Reference.
 - (v) Reference made by the Income Tax Appellate Tribunal, through its President, under Section 257 of the Income Tax Act, 1961.
 - (vi) Complaint under Order XXVI of the Rules.
9. No unsigned documents and documents with improper binding shall be accepted at the Filing Counter.
10. No opinion given by a former Judge or senior advocate in a case shall be annexed to any case, interlocutory application or miscellaneous application. If any such opinion is filed, it shall be treated as a defect and shall be notified. Unless the defect is removed, the case shall not be registered.
11. No undertaking in any manner whatsoever in respect of filing of a case shall be accepted.

II. Filing Counter

Stage One

Every main case, except otherwise provided, shall be presented to a dealing Assistant at the Filing Counter, who shall --

- (i) identify the person filing the case on production of identity card in case of advocate on-record, advocate authorized in that behalf or his registered clerk or on identification of Aadhar Card or any other permissible identification in respect of a party in-person;
- (ii) enter in the computer complete description of the first petitioner/applicant/appellant and first respondent/non-applicant and names of

their advocates;

- (iii) in case of writ petition and transfer petition, check details through cause title and filing memo respectively;
- (iv) check vakalatnama and affidavit duly signed and executed;
- (v) generate Diary number and stamp the date of filing;
- (vi) cancel the court fee stamps by punching out the figure-head so as to leave the amount designated on the stamp untouched or by locking eCourt fee;

Stage Two

On receipt of the case, the Assistant shall--

- (i) enter in the computer details of the case, if any, out of which the main case has arisen.
- (ii) enter F.I.R. details, in case of criminal matters;
- (iii) enter details of the Court, wherefrom and to which Court transfer is sought, in transfer petitions;
- (iv) check whether any similar or link case has been filed or disposed of on the basis of filing memo;
- (v) in case of writ petition/transfer petition, check through cause title of the case whether any similar case is pending or has been disposed of;
- (vi) check whether any caveat has been lodged in the case;
- (vii) enter data as regards additional parties;

Stage Three

After receipt of a main case, the scrutiny Assistant shall--

- (i) scrutinize the case as to whether it conforms with the Rules and practice of the Court or is defective;
- (ii) count the value of court fees stamps affixed on the memo of appeal, petition or interlocutory application, miscellaneous application, affidavit, vakalatnama or document separately;

- (iii) extract subject category of the case;
- (iv) generate limitation report;
- (v) if the case is found to be defective, the scrutiny Assistant shall enter the defects in the computer and notify them to enable the advocate on-record or the party, as the case may be, to remove the defects within a period of twenty eight days in aggregate;
- (vi) if the case is not found to be defective and is found to be in order, the scrutiny Assistant shall open the file in respect of Part-I and Part-II documents.
- (vii) place such cases, as he considers to be not maintainable for any reason, before the Branch Officer, who shall place the same before the senior officers for orders;
- (viii) where the dealing Assistant is of the opinion that court fee payable in a main case cannot be determined for any reason or a question as regards thereto arises, he shall place the matter, through senior officers, before the Registrar/Taxing Officer, who may, in his discretion, require the parties to produce the relevant records to enable him to decide the question of court fee.

Stage Four

On receipt of the case from the scrutiny Assistant, the Branch Officer or any other superior officer shall make verification/confirmation of --

- (i) scrutiny of the main case;
- (ii) subject category and sub-category of the main case;
- (iii) limitation;
- (iv) tagging on the basis of identical, similar or linked case;
- (v) section and provision(s) of law under which the case is filed.

If the main case along with interlocutory applications conforms to the requirements of the Rules and practice and procedure, the main case shall be registered. The officer shall cause to enter the said details in the computer.

If a main case is re-filed after removal of the defect(s), it shall be checked and registered, provisionally, by the scrutiny Assistant if the defect(s) notified has been removed, subject to verification and confirmation by a superior officer.

Note

No case shall be tagged or linked to a case, unless ordered by the Court. Any subsequent case, which is identical, similar or linked to a case, shall be informed, by way of office report to the Court and a remark may be given in the computer.

Stage Five

- (i) Consequent upon registration of a main case, all papers and documents forming part of the case file shall be scanned/digitized.
- (ii) Office report, if required, shall be prepared in the defect-free main case and case file be sent to the concerned Court Master of the Bench on its first listing.

III. eFILING

Any party or advocate on-record may file a case through eFiling by accessing www.sci.gov.in.

- 1. A case can be filed by paying prescribed court fee and printing charges @ Re. 1.50 per page.
- 2. No additional court fee or processing fee is required to be paid for eFiling.
- 3. A password be given to every advocate on-record by the Registry.
- 4. A party in-person is required to submit proof of his identity, such as Aadhar Card, Ration Card, PAN Card, Identity Card or Voter Identity Card by scanning the document.
- 5. The text of the case as also application, affidavit in opposition, caveat or additional documents can be typed on the computer, whereas documents, including affidavits and vakalatnamas, shall be scanned.
- 6. A party shall convert the text and scanned documents into PDF/A file and upload the same on the server.

7. A unique reference number be given to every user for each case.
8. A case filed through eFiling be scrutinized at the Filing Section in order to ensure that it is in conformity with the Rules and practice of the Court.
9. The defect(s), if any, and the Diary number allotted to the case be communicated to the party in-person or advocate on-record, as the case may be, through eMail and he may remove the defect(s) by accessing his case using the Diary number through re-filing option available in the eFiling Menu.
10. The notice of hearing to the party in-person, office report and communications to the party shall be sent through eMail on the eMail I.D. furnished by him.

IV. Defective and Fresh cases

- (i) A defect-free main case shall be listed before the Court through automatic allocation, unless otherwise ordered.
- (ii) The Branch Officer shall, if he is of the view that the objection regarding maintainability taken by the scrutiny Assistant is sustainable, he shall place the case before the In-Charge, Filing Counter, who shall place the same before the Registrar or the Judge in Chambers, as the case may be, on the said aspect.
- (iii) Every main case shall be posted before the Court, Judge in Chambers or the Registrar under the signature of the Branch Officer at the Filing Counter.
- (iv) Wherever any party dies after the filing of a case but before its first listing before the Court, the original cause title shall be retained and directions on the application to bring on record the legal representative(s), if any, filed shall be sought from the Court through appropriate office report. If such application is allowed by the Court, the cause title shall be suitably amended thereafter.

V. Caveat

1. A person claiming a right to appear before the Court on the hearing of a petition may lodge a caveat in the matter, where such a petition

is expected to be lodged or has been lodged.

2. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been lodged.
3. Where, after a caveat has been lodged, any petition is filed in any matter, the Registrar shall serve a notice of lodging of the petition on the caveator.
4. Where a notice of any caveat has been served on the petitioner, he shall forthwith furnish the caveator, at the caveator's expense, with a copy of the petition and copies of any papers lodged by the petitioner in support of his petition.
5. A person intending to lodge a caveat shall furnish the following particulars in Form No.34:
 - (i) date of judgment/order;
 - (ii) name of the Court appealed from;
 - (iii) cause title and case number, if any;
 - (iv) designation of the Authority; and
 - (v) particulars of the order, etc.
6.
 - (a) Where the caveator is represented by an advocate on-record, his vakalatnama shall accompany the caveat.
 - (b) If the caveat is filed by the party in-person, his full postal address, telephone number, mobile number, eMail address, fax number with S.T.D. Code, if any, shall be furnished along with memo of appearance.
7. Where a caveat has been lodged, it shall not remain in force after the expiry of ninety days from the date of lodgment unless the petition has been made before the expiry of the said period.
8. The caveat shall be presented at the caveat counter. The dealing Assistant shall enter the caveat in special application software customized for caveat matching. He shall enter the details of the Court appealed from in the computer and lock eCourt fee. If the main case has already been filed, the dealing Assistant shall generate and issue caveat notice as also enter 'IN' code. Where the main case is filed subsequently, the computer software would

alert the Assistant about the subsistence of a caveat. In such a case, 'IN' code shall be entered in the computer barring automatic listing and caveat notice shall be issued.

Note

In the last paragraph of every main case, the appellant/petitioner shall unequivocally state that no notice of lodging a caveat by the opposite party is received by him or if notice of caveat is received, whether the appellant/petitioner has furnished the copies of the memo of appeal/petition together with copies of the annexure, if any, to the caveator.

VI. Miscellaneous Document Counter

Interlocutory applications, miscellaneous applications, documents, affidavits in opposition, replies, rejoinder affidavits, vakalatnamas, memos and process applications, etc., filed in a main case shall be received by a dealing Assistant at the Miscellaneous Document Counter, who shall --

- (1) enter the details of interlocutory applications, miscellaneous applications, documents, affidavits in opposition, replies, vakalatnamas, memos and process applications, etc., in the computer and write automatically generated annual serial number on such documents;
- (2) after entry in the computer, the receiving Assistant shall send the main case accompanied by interlocutory application(s) to the scrutiny Assistant.

All other subsequently filed interlocutory applications and documents, affidavits in opposition, rejoinder affidavits, vakalatnamas and memos, etc., shall be sent to the concerned Judicial branch for process.

VII. Registrar

1. If the defects are removed within sixty days from the date of notifying the defects, but after the expiry of the stipulated period of twenty eight days, an application seeking condonation of delay in re-filing the case shall be filed and listed before the Court of Registrar under Order V Rule 1(20) of the Rules.

2. A daily cause list of all cases under Order V Rule 1(20) of the Rules listed before the Court of Registrar shall be published and files of all such cases shall be sent to such Court by the Filing Counter.
3. The Registrar (J-I) shall require the State and its instrumentalities under Article 12 of the Constitution to furnish the names, addresses and eMail I.Ds. of all the advocates on-record authorised to appear for them. He shall maintain a register of all such advocates on-record and shall effect changes from time to time in case of re-allocation or re-assignment of work to the advocates on-record by the States and their instrumentalities.
4. The State and its instrumentalities shall furnish their eMail I.Ds to Registrar (J-I) who shall get the same updated in the computer system. The Departments would also be able to get information about the cases filed against them, which would enable them to prepare for the cases well in advance, even at the stage of first listing.
- 5.(a) Where a main case has been filed by a party in-person along with an application seeking permission to appear and argue in-person or in case where a person has filed caveat in-person, the file of such case shall be placed before the Registrar for interaction and opinion in terms of Order IV Rule 1(c) proviso of the Rules.
 - (b) Provided that no interaction with an advocate, appearing as party in-person, shall take place, subject to filing proof of his registration as advocate on-record or enrolment with the State Bar Council under the Advocates Act, 1961.
 - (c) Consequent upon such interaction, the main case shall be listed before the Court for admission along with opinion by way of office report.
6. When a jail petition/appeal, wherein the accused is unrepresented, or a case filed by a party in-person or where a party in-person as respondent is not represented by an advocate on-record is placed before the Registrar, he may require the Supreme Court Legal

Services Committee to assign an advocate, who may assist the Court on behalf of such person, within a week from the date of receipt of communication in that regard.

The Registrar, in case of a jail petition/appeal, can also assign an advocate to the prisoner from the approved panel of advocates maintained by the Registry.

VIII. Judge in Chambers

- 1.(a) If a case filed, on scrutiny, is found to be defective and defects are not removed till ninety days from the date of communication of the defects, it shall be listed with office report on default before the Judge in Chambers for appropriate orders.
- (b) If the defects are removed after sixty days from the date of notifying the defects, an application seeking condonation of delay in re-filing the main case shall be filed and listed before the Judge in Chambers under Order V Rule 2(32) of the Rules.
- (c) Where a period for removal of the defect(s) has been stipulated by the Judge in Chambers, the record of the case shall be sent to the concerned dealing Assistant, who shall get the defect(s) rectified and certified by the Section Officer within the stipulated period, failing which the case shall be sent for listing before the Judge in Chambers for orders on default.
2. If the defect(s) is removed, the case shall be sent for listing before the Court for admission.
3. For the purpose of placement in chronological order for listing, a defective case shall be deemed to have been filed on the date on which the defect has been rectified and shall ordinarily be listed on the date on which defect-free cases filed on the date of such rectification are to be listed.

IX. Elimination Section

- (i) Where the cases are dismissed *in limine* by the Court, the files of such cases shall be sent to the Elimination Section directly from the Court. However, where notices have been directed to be issued or

where the cases have been admitted for hearing, the files of such cases shall be sent to the concerned Judicial branches for follow-up action.

- (ii) A communication shall be sent as regards the order of dismissal to the Court appealed from.
- (iii) The respondents, who contested the case in the Court appealed from, shall be informed about the decision on the case after it is heard *ex parte*, if the case stands dismissed in terms of Order XXI of Rule 9(3) of the Rules.
- (iv) The order passed by the Court and the letter of communication to the Court appealed from or any other document, if required, shall be scanned/digitized.
- (v) The case files shall then be consigned to the Record Room, under acknowledgment, after completing all formalities.

Note

Communication be made to a party or advocate on-record through SMSs on the mobile phone numbers or eMails on the eMail I.Ds. furnished at the time of filing of the case or application or documents, wherever applicable.

Coram by Filing Counter

1. Subject to the orders of the Court, every case arising out of or relating to--
 - (a) the same or common impugned judgment or order;
 - (b) a separate order solely relying upon a particular judgment;
 - (c) sequel or identical, having same status, or similar matter;
 - (d) same cause of action;
 - (e) between cross parties; or
 - (f) an order of the Bench disobeyed, in case of contempt petition;

be tagged or linked together for the purpose of coram and the same coram be updated for listing with office report.

- 2.(a) The In-charge, Filing Counter, shall apprise the Registrar (J-I) about the filing of important and sensitive cases and, if he is of the same view, he shall place such cases before the Chief Justice for information and order, if any.
- (b) Such cases shall be listed in accordance with the directions of the Chief Justice, if any, or as per subject category through automatic allocation.

Modified Check List for Scrutiny and Processing of Main Cases

1.	(i) Whether appeal/petition for special leave to appeal has been filed in Form No.28 with certificate?	Yes/No
	(ii) Whether the prescribed court fee has been paid?	Yes/No
2.	(i) Whether proper and required number of paper-books (1+3) have been filed?	Yes/No
	(ii) Whether brief list of dates/events has been filed?	Yes/No
	(iii) Whether paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index?	Yes/No
3.	Whether the contents of the petition/appeal, applications and accompanying documents are clear, legible and typed in double space on one side of the paper?	Yes/No
4.	Whether the petition and the application bear the signatures of the counsel/in-person?	Yes/No
5.	Whether an affidavit of the petitioner in support of the petition/appeal/application has been filed, properly attested and identified?	Yes/No
6.	If there are any vernacular documents/portions/lines and translation of such documents are not filed, whether application for exemption from filing Official Translation, with affidavit and court fee, has been filed?	Yes/No/ NA
7.	If a party in the court below has died, whether application for bringing LRs on record indicating the	Yes/No/ NA

	date of death, relationship, age and addresses along with affidavit and court fee has been filed?	
8.	(i) Whether the Vakalatnama has been properly executed by the petitioners/appellants and accepted and identified by the Advocate and Memo of Appearance filed?	Yes/No
	(ii) If a petitioner is represented through power of attorney, whether the original power of attorney in English/translated copy has been filed and whether application for permission to appear before the court has also been filed?	Yes/No
	(iii)(a) Whether the petition is filed by a body registered under any Act or Rules?	Yes/No
	(b) If yes, is copy of the Registration filed?	Yes/No
	(iv)(a) Whether the person filing petition for such incorporated body has authority to file the petition?	Yes/No
	(b) If yes, is proof of such authority filed?	Yes/No
9.	Whether the petition/appeal contains a statement in terms of Order XXI/XXII of Supreme Court Rules as to whether the petitioner has filed any petition against the impugned order/judgment earlier, and if so, the result thereof stated in the petition?	Yes/No
10.	Whether the certified copy of the impugned judgment has been filed and if certified copy is not available, whether an application for exemption from filing certified copy has been filed?	Yes/No
11.	Whether the particulars of the impugned judgment passed by the Court(s) below are uniformly written in all the documents?	Yes/No
12.	(i) Whether the addresses of the parties and their representation are complete and set out properly and whether detailed cause title has been mentioned in the	Yes/No

	impugned judgment and if not, whether the memo of parties has been filed, if required?	
	(ii) Whether the cause title of the petition/appeal corresponds to that of the impugned judgment and names of parties therein?	Yes/No
13.	Whether in case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate?	Yes/No
14.	If the petition/appeal is time barred, whether application for condonation of delay mentioning the number of days of delay with affidavit and court fee has been filed?	Yes/No/ NA
15.	Whether the annexures referred to in the petition are true copies of the documents before the Court below and are filed in chronological order as per list of dates?	Yes/No
16.	Whether the petition/appeal is confined only to the pleadings in the Court/Tribunal below and – if not, whether application for taking additional grounds/documents with affidavit and court fee has been filed?	Yes/No
17.	(i) In SLP/Appeal against the order passed in Second Appeal whether copies of the orders passed by the Trial Court and First Appellate Court have been filed?	Yes/No/ NA
	(ii) Whether required copy of the judgment/order/ notification/ award etc. is not filed?	Yes/No/ NA
18.	In matters involving conviction whether separate proof of surrender in respect of all convicts or application for exemption from surrendering has been filed in terms of Order XX/XXII of the Supreme Court Rules? (Copy of surrender proof to be included in the paper books.)	Yes/No/ NA
	Whether in case where proof of surrender/separate certificate from the jail Authority has not been filed, an application for exemption from filing separate	Yes/No

	proof of surrender has been filed?	
19.	In case of quashing of FIR whether a copy of the petition filed before the High Court under section 482 of Cr.P.C. has been filed?	Yes/No
20.	In case of anticipatory bail whether a copy of FIR or translated copy has been filed?	Yes/No
21.	(i) Whether the complete listing proforma has been filled in, signed and included in the paper-books? (ii) If any identical matter is pending/disposed of by Supreme Court, whether complete particulars of such matters have been given?	Yes/No Yes/No/ NA

Scrutiny and Processing of Applications

The following requirements shall be ensured for the purpose of registration of an interlocutory application or miscellaneous application, wherever applicable, in terms of the following check list:

1. Whether prescribed Court fee has been paid, wherever applicable?
2. Whether case number has been correctly mentioned?
3. Whether cause title of the parties is correct?
4. Whether the applicant is a party in the main case or not?
5. Whether memo of parties has been filed, in case of application for directions?
6. Whether particulars of the impugned order are correct?
7. Whether the provision of the Rules under which an application is filed has been mentioned?
8. Whether the application has been filed by the advocate on-record in the main case; if not, whether 'No Objection Certificate' has been taken from the earlier advocate on-record, subject to the exception in Order IV Rule 15 of the Rules?
9. Whether a copy of the application has been served on the opposite parties, who have entered appearance?
10. Whether copies of annexures, if filed, along with the application have been certified to be true copies?

11. Whether annexures marked in the index and body of the application have been put in chronological order?
12. Whether custody certificate from jail authority has been filed in case of bail application?
13. Whether application for exemption from filing certified copy or official translation has been filed, wherever required?
14. Whether contents of the application and annexures are clear, sharp, legible, in proper font size and in double space on one side of the paper?
15. Whether relief sought by the petitioner/applicant has been clearly stated?
16. Whether details of the case and particulars of the Trial Court/High Court or this Court in the prayer portion have been corrected mentioned?
17. Whether the main prayer clearly indicates the purpose of the application?
18. Whether affidavit has been duly filled/signed by the party and notarized by the Notary or any other Authority under Order IX Rule 7 of the Rules, without manual corrections, unless initialled?
19. Whether the application has been properly worded without any unnecessary remarks against the Bench or any Judge?
- 20.(a) In case of application for intervention or impleadment, it should be clearly mentioned whether impleadment is sought as respondent or petitioner; or intervenor, as the case may be.
 - (b) Whether full address of the party seeking impleadment or intervention has been given?
21. No impleadment or intervention application shall be entertained in a disposed of main case, unless otherwise ordered by the Court.
- 22.(a) In case of application for substitution, proper heading shall be given and it should clearly indicate as to which petitioner or respondent has died.
 - (b) The particulars of legal representative(s) of the deceased party should be stated, such as, relationship, address, minor or major, age and lineage.

- (c) Death certificate having proper particulars, including name, parentage, age and date of death should be filed.
- (d) If the application for substitution is filed by the proposed legal representative of the deceased party, it shall be accompanied by vakalatnama, except in the case of an application filed by a party other than the proposed legal representative of the deceased party.
- (e) If the application for substitution is barred by limitation, it shall be accompanied by an application to set aside the abatement and application for condonation of delay in filing the said applications, wherever applicable.
- (f) Delay shall be calculated from the date of death of a party or abatement, as the case may be.

Note

If an application for substitution to bring on record a legal representative of a deceased party is not filed within ninety days from the date of death, the case automatically abates. Within sixty days from the date of abatement, an application to set aside the abatement along with application for substitution shall be filed. Thereafter, an application under Section 5 of the Limitation Act seeking condonation of delay shall also accompany the applications.

- 23.(a) If a miscellaneous application for restoration, recall or rehearing a case or application has been filed after the expiry of a period of thirty days from the date of order, it shall be accompanied by an application for condonation of delay.
- (b) A Record of Proceeding or order dismissing or disposing of the main case shall be annexed to the application.
- (c) If a case or an application has been dismissed peremptorily for non-compliance in default or failure to take any steps, the compliance shall be pre-requisite for filing and registration of the miscellaneous application.
- (d) If a miscellaneous application has been filed after the expiry of a period of two months from the date of the order, the paper books of the main case shall also be filed by the party or advocate on-record,

except in case of a transfer petition, where the paper books shall be filed after one month.

- (e) If a miscellaneous application is filed within two months from the date of the order and within one month in case of transfer petition, the paper books of the main case shall be immediately requisitioned from the Paper Books Section, so that they may not be destructed after the stipulated period of preservation.
- 24.(a) In case an application is found to be defective, notice under Order VIII Rule 6(3) and (4) of the Rules shall be given to the applicant requiring him to cure the defect(s) within a period not exceeding twenty eight days, in aggregate.
- (b) In case the defects are not removed within the period stipulated in the notice, the application shall be placed before the Registrar for orders under the said provision.
25. In case an application discloses no reasonable cause or is frivolous or contains scandalous matter, it shall be placed before the Registrar for appropriate orders under Order XV Rule 5 of the Rules.

General

1. Wherever Bar Council of India has been arrayed as a party respondent, it shall be indicated in the office report.
2. No document, viz., affidavit, affidavit in opposition, rejoinder affidavit, etc., shall be accepted if the date on which it is sworn is not mentioned on the affidavit.
3. If an affidavit contains any blank portions in the body or in the affirmation clause, which have not been duly filled, such affidavit shall not be accepted.
4. No rejoinder or sur-rejoinder shall be accepted without the leave of the Court.
5. In case common affidavit in opposition or rejoinder affidavit or other affidavit or document has been filed by or on behalf of a party in a group of cases, it shall be ensured that sufficient number of copies for each of the cases shall be filed.

6. In cases, like References and *suo motu* petitions, where there is no rival party, the cause title shall be in accordance with the subject matter, viz.,

In Re.:

“Death of 25 chained inmates in Asylum in
Tamil Nadu”

7. The advocates on-record are required to inform the Registrar (J-I) –
 - (a) the particulars of the cases which have become infructuous by efflux of time;
 - (b) the cases filed against interlocutory/interim orders of the Court appealed from where the main case is pending or disposed of;
 - (c) the cases involving identical/similar question(s) of law which have not been tagged or linked together.
8. Before accepting any document, such as, affidavit in opposition, rejoinder affidavit, affidavit and other documents, it shall be ensured that it has been served on the opposite party and the filing memo contains such endorsement.
9. One petition for special leave to appeal/appeal against a common judgment/order passed by the Court appealed from in more than one case can be filed but separate diary numbers be given in accordance with the number of orders impugned.
10. Three sets of paper books, excluding the original, shall be accepted in a case, except in case of an arbitration petition and a case relating to a Constitution Bench.
11. A vakalatnama filed on behalf of the respondent(s) shall not be accepted in a case where neither notice has been issued nor the case has been admitted, unless it is filed along with a caveat. If filed, such vakalatnama shall not be placed on the file of the case and shall not be recognized by the Registry.
12. Any party in-person requiring any information in regard to a case shall contact the Public Relation Officer, who may collect the information from the concerned branch and furnish the same to the

party in-person. The communication shall be made in writing by the branch with the said party and no interaction shall take place with the officer/officials of the concerned branch.

CHAPTER XII LIMITATION

Nature of the Case	Period of limitation
Writ Petition (Civil)	No limitation
Writ Petition (Criminal)	No limitation
Transfer Petition (Civil)	No limitation
Transfer Petition (Criminal)	No limitation
Election Petition	30 days from the date of publication of declaration of the name of the returned candidate.
Original Suit	As per Limitation Act
Petition for Special Leave to Appeal (Civil)	(i) 90 days from the date of the impugned order. (ii) 60 days from the date of refusal of certificate of fitness to appeal.
Petition for Special Leave to Appeal (Criminal)	(i) 60 days from the date of the impugned order in cases involving sentence of death. (ii) 60 days from the date of refusal of certificate of fitness to appeal. (iii) 90 days from the date of the impugned order excluding cases involving sentence of death.
Civil Appeal by Certificate of fitness under Articles 132(1) and 133(1) of the Constitution	60 days from the date of grant of certificate of fitness to appeal.
(i) Criminal Appeal by Certificate of fitness under Articles 132(1) and 134(1)(c) of the Constitution (ii) Criminal Appeal under Article 134(1)(a) and (b) of the Constitution or under any other provision of law	(i) 60 days from the date of grant of certificate of fitness to appeal. (ii) 60 days from the date of judgment, final order or sentence.
Appeal under Section 2 of the Supreme Court (Enlargement	60 days from the date of the judgment, final order or sentence.

of Criminal Appellate Jurisdiction) Act, 1970	
Appeal under Section 10 of the Special Court (Trial of Offences relating to Transactions in Securities) Act, 1992	30 days from the date of the order.
Appeal under Section 38 of the Advocates Act, 1961	60 days from the date of communication of the order.
Appeal under Sections 23 and 27A of the Consumer Protection Act, 1986	30 days from the date of the impugned order.
Appeal under Section 116A of the Representation Act, 1951	30 days from the date of the order.
Appeal under Section 130E of the Customs Act, 1962	60 days from the date of the order passed by the High Court certifying the case to be a fit case for appeal to Supreme Court or the order passed by the Customs, Excise and Service Tax Appellate Tribunal.
Appeal under Section 35L of the Central Excise and Salt Act, 1944	60 days from the date of the order passed by the High Court certifying the case to be a fit case for appeal to Supreme Court or the order passed by the Customs, Excise and Service Tax Appellate Tribunal.
Appeal under Section 261 of Income Tax Act, 1961	60 days from the date of the judgment delivered by the High Court certifying it to be a fit case for appeal to Supreme Court.
Appeal under Section 19(1)(b) of Contempt of Courts Act, 1971	60 days from the date of the order.
Appeal under Section 15Z of Securities and Exchange Board of India Act, 1992	60 days from the date of the communication of the decision.
Appeal under Section 18 of the Telecom Regulatory Authority	90 days from the date of decision.

of India Act, 1997	
Appeal under Section 53T of the Competition Act, 2002	60 days from the date of decision.
Appeal under Section 125 of Electricity Act, 2003	60 days from the date of communication of the decision/order of the Appellate Tribunal.
Appeal under Section 29 of the Wealth Tax Act, 1957	60 days from the date of impugned order.
Appeal under Section 22 of the National Green Tribunal Act, 2010	90 days from the date of communication of the award, decision or order of the Tribunal.
Appeal under Section 423 of the Companies Act, 2013	60 days from the date of receipt of order of the Appellate Tribunal.
Appeal under Section 30 of the Armed Forces Tribunal Act, 2007	90 days from the date of final decision/order passed by the Tribunal. 60 days from the date of order of the Tribunal in exercise of its jurisdiction to punish for contempt.
Appeal under Section 31 of the Armed Forces Tribunal Act, 2007	30 days from the date of order passed by the Tribunal.
Appeal under Section 31 of the Airport Economic Regulatory Authority of India Act, 2008	90 days from the date of decision/order appealed against.
Review Petition	30 days from the date of order sought to be reviewed.

Note

- (1) Notwithstanding anything contained to the contrary, the provisions of the Limitation Act do not apply to a curative petition. However, as per Order XLVIII Rule 3 of the Rules, it shall be filed within reasonable time from the date of judgment or order passed in the review petition.

- (2) Where any particular number of days is prescribed by the Rules, or is fixed by an order of the Court, in computing the same, the day from which the said period is to be reckoned shall be excluded, and, if the last day expires on a day when the Court is closed, that day and any succeeding days on which the Court remains closed shall also be excluded.

CHAPTER XIII LISTING OF CASES

1. (a) The Registrar (J-I) shall list the cases before the Benches in accordance with the roster under the directions of the Chief Justice.
(b) All cases, so listed, shall be published in a cause list under the signature of Registrar (J-I) and ported on the official website of the Court.
2. Publication of the cause list shall be the only mode of intimation of listing of a case, unless otherwise ordered by the Chief Justice.

However, notice of hearing may be sent to a party in-person, through usual mode of service, eMail or such other mode, as may be permitted.

Cause List and Listing*

1. A daily cause list of admission hearing cases shall consist of fresh and pending main cases as also interlocutory applications and miscellaneous applications in main cases --
 - (a) fresh cases shall be sent for listing by the Filing Counter; and
 - (b) pending cases, i.e., interlocutory applications, miscellaneous applications, After-notice cases, and final disposal cases, shall be proposed to be listed by the dealing Assistants, unless otherwise ordered.
2. Unless otherwise directed by the Chief Justice --
 - (a) admission hearing cases shall be listed on Monday and Friday; and
 - (b) regular hearing cases shall be listed on Tuesday, Wednesday and Thursday.
3. Fresh admission hearing cases shall be included in the daily cause list in chronological order, i.e., in the order of institution.
4. A draft list of admission hearing old cases shall be uploaded on

*Daily Cause List of Miscellaneous matters – List containing Miscellaneous matters to be listed on Monday and Friday which is issued on Thursday in the previous week and Monday in the same week respectively. List containing Miscellaneous matters on Tuesday, Wednesday and Thursday which is issued on Saturday in the preceding week.

Daily Cause List of Regular Hearing Matters – List containing regular hearing matters to be listed on Tuesday is issued on Saturday in the preceding week and list containing regular hearing matters to be listed on Wednesday and Thursday is issued on the previous working day. The matters in these lists are taken from the weekly list.

Weekly list – Advance list of Regular hearing matters to be listed on Tuesday, Wednesday and Thursday of a week issued on Friday in the preceding week. Specially directed matters and matters from terminal list are included in weekly list.

Supplementary List – The matters which are directed to be listed after the issue of daily cause list which could not be shown in the main list, are listed through the Supplementary List.

the *intranet*, at least, a fortnight before the date of listing for the purpose of verification and confirmation by the dealing Assistant(s) as regards the status, coram and the Court before which the cases or applications shall be listed.

- 5.(a) An advance list of admission hearing old cases for Monday and Friday shall be uploaded on the website on the previous Tuesday and Friday respectively.

A final cause list of admission hearing cases for Monday and Friday shall be issued on the previous Thursday and Monday respectively.

A supplementary list, if necessary, be issued a day before such date of hearing.

- (b) A weekly list and daily cause lists containing regular hearing cases and admission hearing cases, if any, for Tuesday, Wednesday and Thursday shall be published and ported on the website on the previous Friday/Saturday.

A supplementary list of cases for Tuesday, if necessary, be issued a day before such date of hearing.

A supplementary list of cases, including the left over regular hearing cases, specifically directed admission hearing and regular hearing cases, for Wednesday and Thursday be issued a day before such date of hearing.

- (c) Separate cause lists shall be prepared and published for the Judge in Chambers and the Court of Registrar.

- (d) Unless otherwise ordered by the Chief Justice or the Court, not reached/left over fresh admission cases be listed on the following admission hearing day. Such 'After Notice' cases shall be assigned auto-generated returnable dates spread out in suitable lots after four weeks.

- (e) No change in the cause list, once published, shall be effected.

- 6.(a) Unless otherwise ordered, 60 admission hearing cases be listed on Monday and Friday before the Court consisting of,

- (i) 45 fresh main cases; and
- (ii) 15 'After Notice'/final disposal cases.

- (b) If, for any reason, the aggregate number of admission hearing

cases exceeds the computer generated date cases, they shall be deferred in suitable lots after four weeks.

- (c) On regular hearing days (Tuesday, Wednesday and Thursday), unless otherwise ordered by the Chief Justice, upto ten 'After Notice' (including final disposal) cases and ten regular hearing cases be listed before the concerned Bench.
 - (d) Regular hearing cases shall be listed in a chronological order on the basis of the date of institution of the case (oldest case first), unless otherwise directed.
7. A case relating to a party in-person shall be listed after giving four weeks' notice to him, unless a request is made, in writing, to the Registrar (J-I) to list the case earlier, after interaction with the Registrar under Order IV Rule 1(c) proviso of the Rules.

Mention Memo/Listing Proforma

1. Any party or advocate on-record desirous of out of turn listing or early hearing of an admission hearing case or application on the ground of urgency may make oral mention before the Bench at 10.30 a.m. by way of a prescribed listing proforma/mention memo in Form No.35.
2. The Branch Officer of the concerned Judicial branch shall verify and endorse the listing proforma/mention memo seeking early or out of turn listing of a case by the party or advocate on-record.
3. No mention memo shall be presented, unless the concerned main case has been filed and case number has been allotted to it.
4. The Bench may, in its discretion, permit out of turn or early listing of cases or applications in admission hearing through an order issued under the authority of the Bench by the Court Master or through Record of Proceedings.
5. A case or application shall be listed on the basis of a mention memo only if it is issued by --
 - (a) the Bench which is hearing the case in question;
 - (b) the Bench which has heard the case in-part;
 - (c) the Bench to which the case has been allocated; or
 - (d) the Chief Justice, in case of a fresh admission hearing case or which does not have any coram.

The Chief Justice may also pass any orders on mentioning/listing in relation to clauses (a) to (c) above.

6. The Court Master attached to the Court shall maintain a Register of listing proforma permitting early listing of cases by the Court. They shall be forwarded to the Listing Section by the Court Master immediately.
7. A party or an advocate on-record may seek urgent relief/direction in a case by making a request in the prescribed listing proforma to the Registrar (J-I) on week days between 10.00 a.m. and 4.00 p.m. and on Saturday from 10.00 a.m. to 12.30 p.m. No request for mentioning shall be entertained after 4.00 p.m. on week days and after 12.30 p.m. on Saturday. The main case or application can be listed before the Court on the following working day only for the purpose of mentioning in case it meets the requirement for urgent mentioning. No case be listed under “Mentioning” on Monday.
8. Mentioning of cases or applications, oral or listed, shall not take place before a Constitution Bench.
9. In case mentioning is not permitted on a particular day before the Bench presided over by the Chief Justice, it may take place before the seniormost Bench of that day or as ordered by the Chief Justice.

Cases, Coram and Listing

1. Ordinarily, fresh cases, including bail cases, registered from Saturday to Tuesday be listed on Monday in the next week and fresh cases registered from Wednesday to Friday be listed on Friday in the following week.
2. Fresh cases are allocated as per subject category through automatic computer allocation, unless coram is given by the Chief Justice or the Filing Counter:

Provided that such categories of fresh cases shall not be listed before a Judge, which have been so directed. Data entry of such cases be made in the computer, which excludes listing of such cases before that Judge.

The admission hearing cases shall be listed in the following manner:

- (a) Personal appearance cases;
- (b) Settlement cases;

- (c) Orders (incomplete cases/interlocutory applications/ miscellaneous applications);
 - (d) Fresh cases;
 - (e) 'After Notice' cases; and
 - (f) Final Disposal cases.
3. The coram of the Bench where --
- (a) a main case has been listed;
 - (b) notice has been issued till grant of special leave to appeal;
 - (c) a case has been dismissed, allowed or disposed of; and
 - (d) a case has been heard in-part at admission hearing stage.

shall be updated in the computer for future listing of admission hearing cases.

4. The coram of the main case shall be updated if a Bench has directed listing or tagging of a case pending before another Bench, unless otherwise directed.
5. In a review petition, the coram of the Bench, which passed the order sought to be reviewed shall be updated in the computer.

The case shall be listed before the Bench, which issued notice. On retirement of one of the Judges, the case shall be listed before the Judge constituting the second/third coram. In case of retirement of both/all the Judges constituting coram, the case shall be listed as per subject category through computer allocation.

6. If first coram is not available on a particular day on account of retirement, the case shall be listed before the Judge constituting the second coram. If second coram is also not available, the case shall not be listed on that day.
7. A case directed to be listed before some other Bench or before a Bench of which one of the Judges is not a member shall be listed as per subject category through computer allocation. Such admission hearing cases shall be listed in the next final cause list.
8. A case directed not to be listed before a particular Judge constituting the first coram shall be listed before the Judge constituting the second coram in a different composition, if available. In case of non-availability of the second coram, the case shall be listed through computer allocation as per subject category, after apprising the Judge constituting the second coram.

9. On account of non-availability of the only coram in a case, the case shall be listed as per subject category through computer allocation.
10. Whenever any application is filed in a pending matter after grant of leave, it shall be listed before the Judge constituting the first coram of the Bench which granted leave.
11. A miscellaneous application shall be listed before the Judge constituting the first coram of the Bench, which disposed of the main case.
12. The Regular hearing cases are allocated as per subject category, unless coram is given by the Chief Justice.
13.
 - (a) A part-heard case shall be updated and listed before the Bench, which heard it in-part, unless it is released, in writing, from part-heard.
 - (b) A part-heard admission hearing or a part-heard regular hearing case or a specially directed regular hearing case, adjourned or part-heard, but subsequently released from part-heard, on retirement of the Judge holding the first coram shall be listed before the second and then third coram, wherever applicable, which heard the matter in-part, in case such Judges are presiding a Bench. In case of non-availability of the members of the Bench, the case shall be listed as per subject category.
 - (c) A regular hearing case bearing the single coram of a Judge, which could not be taken up till the retirement, shall be listed as per the subject category.
14. If an advocate, whose cases have been directed not to be listed before a Judge or Bench, files a vakalatnama at any stage subsequent to the first listing of the case, it shall be brought to the notice of the Chief Justice and, unless ordered otherwise, it shall be listed before the same coram along with an Office Report indicating the fact of such vakalatnama.
15. If a case bearing single coram could not be listed before the other member of the Bench of which the Judge holding the coram is sitting, the Judge shall be apprised and, if directed in writing, the case be listed before another Bench through computer allocation as per subject category.
16. In the event a Constitution Bench or three-Judge Bench does not sit for any reason, the cases shown before the alternative Bench shall be taken up and a list of such cases shall form part of the main cause list.

17. If the Court has directed listing of an admission hearing case as early as possible or has adjourned a case on the basis of a letter circulated by an advocate on-record without indicating the period of adjournment or future date of listing, the case shall be listed through computer allocation on the next available slot.
18. The admission hearing cases directed to be listed after a particular period shall be updated for listing by adding one more week after the expiry of the said period.
- 19.(a) In a contempt petition, coram of the Judges, who passed the judgments/orders alleged to have been disobeyed, shall be updated in the computer. In case of non-availability of the members of the Bench, due to retirement or otherwise, the contempt petition shall be listed through computer allocation as per subject category of 'Contempt of Court Matters'.
- (b) A contempt petition filed in a pending main case, alleging disobedience/non-compliance of the order passed either by a Vacation Bench or by a Bench other than the one holding the coram for the main case, shall be tagged with the main case and the coram of the main case shall be updated.
20. Whenever a case is referred by a two-Judge Bench to a larger Bench, the coram be allocated by the Chief Justice.
21. In curative petition, coram of the three senior-most Judges and the available Judges of the Bench, who decided the case, shall be updated in the computer.
A curative petition filed after modification of the original order/judgment be circulated to the three senior-most Judges and the Judges of the Bench, who modified the original judgment/order.
22. If a case referred to the larger/Constitution Bench is referred back to the Regular Bench, it shall be listed before the Presiding Judge, who had initially referred the case to the larger/Constitution Bench.
23. A regular hearing case, awaiting the decision of the Constitution Bench, shall be listed as per subject category after the decision.
- 24.(a) A regular hearing case awaiting the decision in another case shall be listed before the Presiding Judge of the Bench, which has rendered the decision, subject to the orders of the Chief Justice.
- (b) In respect of admission hearing cases, the cases shall be listed in accordance with the coram.
25. An application for early hearing of a regular hearing case directed to be listed/mentioned before an appropriate Court shall be listed before the Presiding Judge having the coram in the case.
In the absence of a coram and if the category of a regular hearing case has been allocated to more than one Judge, it shall be listed through computer allocation.

- 26.(a) A regular hearing case directed to be listed in a particular month shall be shown in the first weekly list of that month through computer allocation as per subject category.
- (b) A regular hearing case directed to be listed in month 'X/Y' shall be shown in the last weekly list of month 'X'.
- (c) A regular hearing case directed to be listed in the first half of an year shall be shown in the weekly list in the first week of April of that year and where a case has been directed to be listed in a particular year without specifying any part of that year, it shall be shown in weekly list in the last week of August of that year, unless the case has already been taken up and irrespective of the fact whether the case is ready for hearing or not.
- (d) Such cases shall be treated as expedited cases and shall be included in the Terminal List, as and when they are ready for hearing.
27. If a regular hearing case has been adjourned without any direction as to the future date of listing, it shall be listed on its own turn as per seniority.
28. If a specific date case could not be listed on a specified date before the Court on account of non-availability of the Bench for any reason, instructions shall be taken from the Presiding Judge as to the next date of listing on the file.
29. A three-Judge Bench case adjourned without a direction as to future date of listing shall be listed as and when the Bench is available.
30. If a three-Judge Bench case has been directed to be listed before a Bench, other than the Bench holding the coram, and if it could not be taken up by that Bench, the case shall restore to its original coram.
31. The coram allotted to a case by the Chief Justice at the admission hearing stage shall continue even at the regular hearing stage.
32. The left over admission or regular hearing cases on a regular hearing day shall be taken up on the following regular hearing day, subject to the directions of the Chief Justice.
33. The cases taken up by the Vacation Bench shall be listed, during the session of the Court, through computer allocation as per subject category.
34. Five and more connected/linked regular hearing cases shall be treated as a group and be listed together, unless otherwise directed by the Chief Justice.
35. The regular hearing cases shall be shown in the weekly list in the following order, unless otherwise directed by the Chief Justice:
- (a) Over-night part-heard cases.
 - (b) Part-heard cases.
 - (c) Specially directed/adjourned cases.

- (d) Other cases, as per subject category and strictly in accordance with *inter-se* ratio of pending cases in each subject category and in chronological order (oldest case first).
36. Jail petitions, *habeas corpus* petitions, transfer petitions and bail petitions in which the accused is in custody and special Category Cases [Subject-Category 701-706: Academic Cases; 3100: Admission to Educational Institutions other than Medical and Engineering; 3200: Establishment and Recognition of Educational Institutions; 4001-4003: Admission/Transfer to Engineering and Medical Colleges; 4100: Allocation of 15% All-India Quota in Admission/Transfer to Medical Colleges; 300: Direct Tax cases; 400: Indirect Tax cases; and 1815: Matters relating to Electricity Dispute (connection/disconnection, etc.)], which have been adjourned without any direction as regards future date of listing shall be shown in the next advance list, subject to the orders of the Court. The same practice shall follow in the case of applications/preponement of hearing.
37. Jail petitions, *habeas corpus* petitions, transfer petitions and bail petitions, where the accused is in custody, special category cases and applications for early hearing shall not be deleted on account of excess matters, except in unavoidable circumstances.
38. A jail petition, where the accused is in custody, shall be processed by the concerned Branch within one week and such petition shall be listed before the Court on the first admission hearing day immediately after two weeks with the typed copy of the petition along with copies of the impugned order of the High Court and Trial Court, irrespective of the fact, whether or not, the *amicus curiae*, so appointed, has furnished the paper books of the case.
39. In 'After Notice' admission hearing cases, the following order of priority for listing, through computer allocation, shall be followed:
- (i) Specific Date Cases;
 - (ii) 'Adjourned for'/'List after' cases;
 - (iii) Cases directed to be listed in a particular month;
 - (iv) Cases where returnable date in notice has been given by branch; and
 - (v) Adjourned cases where date of listing has not been given by the Court/date given by the branch.

40. Excess admission hearing cases shall be deleted/shifted in the following order:
- (i) Cases taken from pool;
 - (ii) Adjourned cases where date of listing has not been given by the Court;
 - (iii) Cases in which notice has been issued by the Court without granting stay;
 - (iv) Cases directed to be listed after 2/3/4 weeks and so on;
 - (v) Cases adjourned for a particular period;
 - (vi) Previously deleted cases;
 - (vii) Transfer petitions;
 - (viii) Interlocutory applications/Miscellaneous applications;
 - (ix) Cases in which notice as also stay/status quo has been granted, whether on 'Mentioning' or otherwise, and cases in which notice has not been issued or issued earlier, but stay/status quo is granted;
 - (x) Cases where accused is in jail;
 - (xi) Jail petitions;
 - (xii) Bail cases, provided that bail has not been granted by the Court;
 - (xiii) Cases involving party in-person;
 - (xiv) Cases directed to be listed in a particular month;
 - (xv) Specific date cases.
41. Any direction given by the Court to list a case on a specific date or in specific week shall over-ride the date given by the Registry and it shall be treated as a specific date case.
- 42.(a) Where intimation as regards non-availability of a Bench or a Judge of the Bench is received prior to the preparation of final cause list, a cause list for that notional court shall be generated in the same manner as is done in the ordinary course.
- Provided that the cause list for the notional Bench shall not be prepared if a Judge of that regular Bench is made part of another regular Bench.
- (b) A note to the effect that the Bench will not sit and the cases which could not be taken up on account of non-sitting of the Bench will be taken up by the Bench on the following Tuesday/Wednesday/Thursday (regular hearing days) in the chronological order shall be displayed in the cause list of that Court and on the website.
 - (c) In case of cancellation of a Bench, on receipt of information, before or after preparation of final cause list, the Chief Justice may

allocate cases from the advance list under Order V Rule 2 of the Rules to the available member of that Bench for that particular day, if the said member is not required to sit in another Bench.

43. If one of the connected cases has been directed to be listed on 'Mentioning', all the connected cases shall also be listed.
44. If the Court has directed that a regular hearing case be listed for hearing at an early date, such case, as and when ready, be treated as specially directed case and be listed in the next weekly list before the appropriate Bench.
45. If a fresh case filed by party in-person is eliminated due to non-sitting of the sole coram, it shall be deleted after apprising the Judge holding the coram and next date of listing shall be given by the Registry by including it in the next advance list, if the petitioner is a local resident. However, fresh date after four weeks shall be given if the petitioner in-person is residing outside Delhi
46. An interlocutory application filed in a main case, referred to a larger Bench, shall be listed before the Division Bench or the three-Judge Bench, as the case may be, which referred the main case, and if the Bench is not available due to the retirement of the Judge(s) or otherwise, the interlocutory application shall be listed as per subject category through computer allocation.
47. The criminal cases, except writ petition (criminal) but excluding *habeas corpus* petitions, where service is complete but affidavit in opposition has not been filed, shall be listed before the regular Bench having the coram in the case and not under incomplete category before the Court of Registrar.
48. No case shall be considered for listing without written orders, except in exceptional circumstances, in which case it shall be followed by written communication/confirmation.
49. The officer/official may seek written instruction/order, in case a direction about listing of any case is given to him by his superior. If urgent direction is given verbally, written confirmation shall be obtained at the earliest.

Note

1. *Save* in case of a single coram, wherever a main case or application could not be listed before the first coram, it shall be listed before the second and then third coram, wherever applicable, and, if available, in seniority.

2. In case of non-availability of the single coram or members of the Bench on account of retirement or otherwise, a case shall be listed as per subject category through computer allocation, unless otherwise ordered by the Chief Justice or fresh single coram is given, wherever such coram had been earlier given.
3. Notwithstanding anything contained expressly or otherwise in this Chapter, the Chief Justice may allocate or assign any appeal, cause or matter to any Judge or Judges of the Court.

Appearance in Court of Party in-person

Any person not represented by an advocate on-record, subject to the provisions of Order IV Rule 1(c) proviso of the Rules, can be permitted by the Court to appear and argue his case in-person. He can remain present in Court at the time of hearing of his case and be escorted by a police personnel. A party in-person shall maintain decorum and dignity of the Court during the hearing of his case.

General

- (i) The Court Master shall update the status of the case in the computer forthwith. The cause list for the following day shall be prepared taking into account also the said updation.
- (ii) No case shall be listed for regular hearing, unless it is certified by the Registrar as 'Ready' for regular hearing under Order V Rule 1(30) of the Rules under pre-final hearing or certified by the Registrar during vacation or directed to be listed by the Court.
- (iii) No case shall be listed for regular hearing if the lower Court records or any other records requisitioned by the Court have not been received, unless otherwise directed by the Court.
- (iv) A note shall be inserted in every cause list requesting the advocates on-record to furnish list of books, if any, they intend to cite during the course of hearing, well in advance, to the Court Master.
- (v)(a) Where an advocate is not available to appear before the Court on a particular date or during a particular period and seeks cancellation of date, he may make an application under Order V Rule 1(23) of the Rules if the case has not appeared in the final cause list on the date of filing of application.

- (b) Such applications in respect of cases listed on Monday shall be accepted upto previous Monday and for Friday, upto previous Thursday. In respect of cases listed on Tuesday, Wednesday and Thursday, such applications shall be accepted upto Thursday in the previous week.
- (c) Ordinarily, the Registrar shall not give specific dates for listing the cases in the Court, except for adequate and special reasons to be recorded in writing.
- (d) A party in-person or advocate on-record may submit a letter for adjournment after the preparation of the final cause list to the Registrar (J-I) after getting the same noted by the other advocates on-record for the appearing parties, at least two days prior to the appointed date of listing. Any objection to the request for adjournment shall be indicated in writing.
- (e) Such letters may be accepted for cases listed on Monday, till previous Saturday upto 11.00 a.m., and for cases listed on Friday, till Wednesday upto 3.00 p.m., unless otherwise ordered by the Court.
- (f) A letter for adjournment shall be signed by the party in-person or the advocate on-record and shall contain a statement that the letter may be circulated at his risk.
- (g) In case an advocate, other than an advocate on-record requests for circulation of a letter, he must mention the reason why the concerned advocate on-record is not circulating the letter.
- (h) No application/request shall be entertained in fresh main cases where specific dates have been given by the Bench or cases listed before the Special Bench or in part-heard cases, unless otherwise ordered by the Bench.
- (vi) The cases under Order V Rule 1 and Rule 2 of the Rules shall be listed before the Registrar and the Judge in Chambers nominated by the Chief Justice.
- (vii) Unless the order passed by the Judge in Chambers is complied with, the case shall remain on the board of the said Court and shall not be listed before the Court of Registrar for compliance.
- (viii) In case the orders made by the Judge in Chamber or the Court of Registrar are complied with, such cases shall be updated before the

regular Court, even if future dates of listing have been given by the Judge in Chambers or the Court of Registrar, as the case may be.

- (ix) No case included in the lists shall be deleted or shifted to a future date, unless otherwise directed by the Chief Justice or the Court or the Registrar (J-I).
- (x) No request for listing of a urgent hearing case during vacation shall be entertained before 4.00 p.m. on the last working day of the Court and the listing of such cases shall be regulated under the orders of the Registrar (J-I).
- (xi) Once a jail petition/bail matter, in which the accused is in custody, has been adjourned without any particular date, week or month, or notice has been issued without a particular date, it shall, subject to the orders of the Court, be listed by way of next advance list.
- (xii) If a case is referred to mediation, it shall be listed immediately upon receipt of the report, unless a particular date has been given by the Court. The Registry shall communicate to the Mediation Centre accordingly.
- (xiii) In case of preponement of a case, notice thereof shall be issued by Registered A.D./Speed Post or by electronic mode to the appearing parties or advocates on-record on their behalf.

CHAPTER XIV

PROCEDURE AFTER LISTING

1. A fresh main case shall be listed before the Court. If the same stood adjourned for filing of additional documents or otherwise, it shall be listed before the Court even in case of non-compliance of the order with appropriate office report.
2. (a) As soon as notice is directed to be issued, the appellant, petitioner, applicant or plaintiff, as the case may be, shall furnish as many copies of the petition, appeal, suit or application as may be necessary for record and for service on the respondent(s) within seven days from the date of the order:

Provided that where Union of India, State Government or any of its instrumentalities under Article 12 of the Constitution are respondents/non-applicants, an additional copy shall be furnished for service in terms of Order LIII Rule (1)(a)(ii) of the Rules.

- (b) Notice to show cause shall be issued to the opposite party under the signature of the Assistant Registrar.
- (c) Service of any notice, order or other document upon a person, who is not represented and who resides at a place within the territory of India, may ordinarily be effected through pre-paid envelope registered for acknowledgement or speed post or electronic mode, wherever applicable, or through District Judge concerned or through such other modes in terms of Order LIII Rule (3) of the Rules or Order V of the Code of Civil Procedure, 1908 or Chapter VI of Code of Criminal Procedure, 1973.
- (d) Except where the notice or process has been served through the Registry, the party required to effect the service shall file an affidavit of service along with such proof thereof, as may be available, stating the manner in which the service has been

effected.

3. The mode and manner of service of notice, order or other document have been dealt with in Chapter XVII.
4. In a case arising out of an interlocutory order or any proceeding pending in the Court below, the notice may be served on the advocate appearing for the party in the Court/Tribunal before whom the case is pending.
5. Upon grant of special leave to appeal or the appeal being admitted, the petition for special leave be treated as the petition of appeal, subject to payment of additional court fee, if any, and Notice of Lodgment of Petition of appeal be served on the respondent(s) through the Court appealed from.

As soon as the appeal is ready for regular hearing and certified as such by the Registrar under pre-final hearing or during vacation, in office, or by the Court, it shall be updated as 'Ready' by the dealing Assistant in the Terminal List.

6. In case of appeals, statutory or otherwise, notice shall mean show cause notice and Notice of Lodgment of Petition of Appeal shall be sent once the appeal has been admitted by the Court:

Provided that if the respondent had been served with notice in the petition/appeal or had filed caveat or had taken notice, no further notice is required after the lodging of the appeal.

7. If the notice sent by registered post does not return within 30 days from the date of issue, postal inquiry shall be made and after ascertaining the status of the delivery from the track report, the case shall be listed in the Court of Registrar with office report.
8. If any notice is received back unserved, the advocate on-record shall be requested to take necessary steps for completion of service and, if no steps are taken within twenty eight days, the case shall be processed before the Judge in Chambers with office report on default.

9. If Notice of Lodgment of Appeal sent to the Court appealed from is not received back within sixty days, the Registrar of that Court shall be requested to expedite the process. The advocate on-record may also be required to take steps to effect service on the opposite party.
10. The respondents, who contested the matter in the Court appealed from, shall be informed about the decision on the petition/appeal after it is heard *ex-parte*, if the petition/appeal stands dismissed in terms of Order XXI Rule 9(3) of the Rules.
11. The respondent shall file affidavit in opposition within thirty days from the date of receipt of notice or not later than two weeks before the date appointed for hearing, unless otherwise directed by the Court, or where separate provision exists in the Rules.
12. The statement of case/written brief be lodged by the parties in terms of Order XIX Rules 32 to 35, Order XXI Rule 11, Order XXXVIII Rule 11(3) and Order XL Rule 7 of the Rules.

Provided that if the appellant does not file a statement of case within the stipulated period of forty five days of the service on him of the notice of authentication of the record, it shall be presumed that the appellant has adopted the list of dates/synopsis as the statement of case and does not desire to file any further statement of case:

Provided further that where a respondent, who has entered appearance, does not file a statement of case within thirty five days from the date of service of statement of case of the appellant, it shall be presumed that the respondent does not desire to lodge statement of case in the appeal.

13. Where any party makes an interlocutory application to the Court, including an application for vacating the interim order, that application shall be processed within three working days from the date of filing of such application and be listed before the appropriate

Bench for orders. Similarly, miscellaneous application shall be processed within seven days from the date of its filing.

14. In case the Court has directed deletion of the name of first petitioner or first respondent or has dismissed/disposed of the case in relation thereto, the name shall be deleted accordingly and the second petitioner or second respondent, as the case may be, be shown as the first party but the serial number of the said party shall not be altered. Similarly, serial number in respect of other parties shall, in no case, be altered.
15. (i) (a) In criminal cases, as soon as notice is directed to be issued, the appellant/petitioner shall take steps to serve notice on the respondent.
(b) In cases filed by convicted persons, notice shall be given to the Attorney General for India or the Advocate General or the Government advocate of the State concerned, or to both, as the case may be; and in cases under Section 341(1) of the Code, to the respondent.
(c) Where a party in-person as respondent is not represented by an advocate on-record, the Secretary General/Registrar may require the Supreme Court Legal Services Committee to assign an advocate or an advocate may be appointed from a panel of advocates maintained by the Registry, who may assist the Court on behalf of such person:

Provided that where an application to appear and argue in-person is filed by a respondent, it shall be placed before the Registrar under Order IV Rule 1(c) proviso of the Rules for interaction and opinion thereon.
- (ii) (a) The advocate appointed as *amicus curiae* by the Court or from the panel of advocates at the cost of the State shall be entitled to fee at the rate of Rs. 6,000/- at the

admission hearing stage and Rs. 10,000/- at the final disposal stage or at the regular hearing stage, as fixed by the Chief Justice, or as may be ordered by the Court, wherefor a certificate in the Form No. 10 shall be issued.

- (b) The advocate shall not be entitled to fee if he remained absent at the time of hearing and disposal of the case.
- (c) The State concerned shall pay the fee specified in the certificate within three months from the date of presenting the claim before it, supported by the certificate.
- (iii) If service of notice is complete, the special leave petitions and criminal appeals shall be processed for listing before the Court even if affidavit in opposition has not been filed and shall not be processed for listing before the Court of Registrar in default on this count.
- (iv) The respondent shall file affidavit in opposition within thirty days from the date of receipt of notice or not later than two weeks before the date appointed for hearing, whichever be earlier.
- (v) Upon grant of special leave, the petition for special leave shall be treated as petition of appeal and shall be registered and numbered as such.
- (vi) A separate register shall be maintained for cases which, in the opinion of the Court, can be disposed of within an hour or two and which fact has been indicated in the order made by the Court to enable the Chief Justice to constitute the Bench for disposal of such cases.
- (vii) Due notice shall be given to the accused, where he is not represented, of the date fixed for the hearing of the appeal. The accused person may, if he so wishes, present his case by

submitting his arguments in writing and the same shall be considered at the hearing of the appeal.

- (viii) The Registrar shall, after the disposal of the appeal, with the utmost expedition, send a copy of the Court's judgment or order to the High Court or Tribunal concerned.
- (ix) No security for costs shall be required to be deposited, and no court-fee, process fee, or search fee shall be charged.
- (x) Except where specifically otherwise provided in the Rules, the provisions of Order XX of the Rules, with necessary modifications and adaptations, shall apply to statutory appeals filed under any enabling Act or provision.

Note

- (a) Every appeal or petition against sentence and acquittal and every other appeal or petition, except an appeal from a sentence of fine shall finally abate on the death of an accused:

Provided that where the appeal is against conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives (parent, spouse, lineal descendant, brother or sister) may, within thirty days of the death of the appellant, apply to the Court for leave to continue the appeal and if leave is granted, the appeal shall not abate.

- (b) The fact of death of an accused on the basis of a death certificate or application or otherwise shall immediately be brought to the notice of the Court.

Original Records

1. In main civil cases, upon being admitted or grant of special leave to appeal, the original record shall not be requisitioned, unless ordered by the Court. The Court appealed from may be requested that the original record may be requisitioned at a later stage, as and when

specifically directed by the Court, and the same may not be weeded out during the pendency of the case in this Court till a communication regarding disposal of the said case is received from the Registry of this Court.

2. In main criminal cases, upon being admitted or grant of special leave to appeal, the original record shall be requisitioned:

Provided that the original record in an admission hearing case shall not be requisitioned, unless specifically requisitioned by the Court.

3. Where the original record of a case is available in digitized/scanned form, the original record of such case shall not be requisitioned in physical form, unless otherwise directed by the Court:

Provided further that the Court appealed from and the Courts immediately below shall be informed that depositions in the original record shall be in English language or translated into English language and the translation shall be done in that respective Registry before transmitting the original record to the Court.

Provided further that, if ordered, preparation of record shall be done in terms of Order XIX Rules 11 to 24 and Order XX Rules 7 to 13 of the Rules.

4. In case any original record has been requisitioned back by the Court in a pending case before it or otherwise, the original record may be sent back, subject to the orders of the Judge in Chambers, with a request to re-transmit the same expeditiously.
5. Where original record has been requisitioned, it shall be transmitted back to the Court(s) concerned immediately after the disposal of the main case.
6. The Original Record branch shall have the custody of the records. It shall be responsible for the transmission of the record under acknowledgment.
7. The original records of the cases listed before the Bench shall be transmitted by the Dealing Assistant, under the supervision of the

Branch Officer, to the Court Master of the Bench by 10:00 a.m. The Court Master shall return the records immediately after the Bench has transacted business for the day, unless otherwise ordered by the Bench. The transmission of records shall be under acknowledgment.

8. (a) In criminal cases, if the High Court paper books are not available, the appellant shall file appeal records containing additional documents, including F.I.R., charge-sheet, evidence/deposition, etc., within a period of six weeks of the intimation as regards receipt of original record, supported by an affidavit. Within two weeks of service thereof on the respondent, he may file such documents as are not included by the appellant.
- (b) In case sufficient sets of paper books of the Courts below are not available or the impression is dim or illegible, a notice shall issue to the advocate on-record for the appellant requiring him to get sufficient number of legible paper books prepared within one week of receipt of notice.
9. (a) Where the original record is received in a sealed/packed condition, it shall be opened and checked jointly by two officials, one each from concerned Judicial branch and Section V. However, in case the original record is found to be unsealed, it shall, in addition, be checked jointly by an official from R&I branch.
- (b) If the record is found to be in torn/mutilated condition or incomplete, this fact shall be jointly recorded by all the officials and stated in the letter of acknowledgment of the record to the concerned Court.
- (c) If the original record is received without any list/index of documents, the acknowledgment letter shall mention this fact as also the total number of files or sheet contained in the original record.

- (d) At the time of transmission of original record to the concerned Court, the forwarding letter shall be prepared by the concerned branch and shall mention that “the original record is returned herewith duly verified as per the letter/list of documents received from the said Court” and a copy of the list shall also be enclosed with the forwarding letter. While returning, it shall be checked, packed and sealed in Section V, custodian of original records, in the presence of the officials from both the branches.
- (e) The concerned Court/Tribunal/lower Court/Authority may be requested to depute special messenger to take back the original record. However, the original record relating to the Court/Tribunal/lower Court/Authority in far-off places may be sent by Registered Post/insured parcel.
- (f) The acknowledgment receipt shall be kept in the file. In case no acknowledgment is received within two weeks of the despatch of record, the matter shall be pursued with the concerned Court till the acknowledgment is received.

Orders granting Stay, Bail, Release, etc.

- (i) Where an order directing issue of notice and/or grant of stay, status quo, injunction or *ad interim* directions has been made *ex-parte* or otherwise, a certified copy of the order shall be sent to the Court appealed from.
- (ii) Where an order granting anticipatory bail, bail or suspension of sentence has been made to the satisfaction of the Trial Court or any other Authority, a certified copy of the order shall be sent to the Court appealed from, Courts immediately below and/or the Authority concerned.
- (iii) In case of release or bail, except in clause (ii) above, wireless message, in addition, shall be sent forthwith to the concerned Jail authority.
- (iv) The Officer In-charge, Courts, shall ensure that the Record of Proceedings, judgments or orders of the Court are immediately sent

to the concerned branches.

Procedure Where a Case is not being Diligently Prosecuted

- (i) If a party fails to take requisite steps in the main case and it appears that he is not prosecuting the case with due diligence, the Registrar shall call upon him to explain the default and, if default is not made good and no explanation is offered within the stipulated time or if the explanation offered appears to be insufficient, the Registrar may issue him show cause before the Court as to why the case should not be dismissed for non-prosecution.
- (ii) If service of any notice, order or document has not been completed within six months from the date of issue of notice, the matter shall be reported to the Court for direction after notice to the parties in-person or the advocates on-record for the parties. The Court may thereupon dismiss the case for non-prosecution or give such direction in the case, as it may deem fit.

Writ Petition

- (i) If the Court, on preliminary hearing, orders issue of show cause notice to the respondent, he shall file his objections within thirty days from the date of receipt of such notice or not later than two weeks before the date appointed for hearing, whichever is earlier, unless directed otherwise by the Court.
- (ii) Unless otherwise ordered by the Court, rule *nisi* together with a copy of the petition and of the affidavit in support thereof shall be served on the respondent not less than twenty one days before the returnable date. The rule shall be served on all persons directly affected and on such other persons, as the Court may direct.
- (b) Affidavits in opposition shall be filed in the Registry not later than four days before the returnable date and affidavits in reply shall be filed within two days of the service of the affidavit in opposition.

- (c) No further affidavit in opposition, rejoinder, affidavit or document shall be filed by any party, except with the leave of the Court.
- (iii) (a) The petitioner shall file written brief within four weeks of the filing of the pleadings. Within four weeks of receipt of petitioner's brief, the respondent shall file his written brief. The reply brief shall be filed by the petitioner within one week of the receipt of respondent's brief.
- (b) No party to a petition shall be entitled to be heard by the Court unless he has previously lodged his written brief in the petition.

Writ of *Habeas Corpus*

- (i) The processing, listing, hearing and disposal of a writ petition in the nature of *habeas corpus* shall be expedited.
- (ii) Rule *nisi* shall issue, if Court so orders, calling upon the person(s) against whom the order is sought to appear on a day to be named therein to show cause why such order should not be made and, at the same time, to produce in Court the body of the person(s) alleged to be illegally or improperly detained.
- (iii) The case shall be listed before the Court on the next date of hearing, irrespective of the fact whether or not service of notice has been effected or affidavit in opposition has been filed.
- (iv) The order for release, setting the person(s) improperly detained in custody at liberty, made by the Court shall be a sufficient warrant to any goaler, public official, or other person for the release of the person under restraint.

Contempt Petition

- (i) If the Court, on preliminary hearing, directs that notice shall issue to the alleged contemnor, notice to the person charged shall be in Form No.1 given below:

FORM I
NOTICE TO PERSON CHARGED WITH CONTEMPT OF COURT
IN THE SUPREME COURT OF INDIA
(Inherent Jurisdiction)

Whereas your attendance is necessary to answer a charge of contempt of Court by (here briefly state nature of the contempt).

You are hereby required to appear in person (or by advocate if the Court has so ordered) before this Court at New Delhi on theday of20.....

You shall attend the Court in person* on theday of20....., and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated this.....day of20.....

(SEAL)

REGISTRAR

(*To be omitted where the person charged is allowed or ordered to appear by advocate).

- (ii) The person charged shall, unless otherwise ordered, appear in-person before the Court, as directed, on the date fixed for hearing of the proceeding and shall continue to remain present during hearing till the proceeding is finally disposed of by order of the Court.
- (iii) A copy of the petition along with the annexures and affidavits shall be served upon the person charged and he may file his reply duly supported by an affidavit.
- (iv) No further affidavit or document shall be filed, except with the leave of the Court.

- (v) The Court may direct a warrant bailable or non-bailable for arrest of the person charged, if it has reason to believe that he is absconding or is otherwise evading service of notice, or if he fails to appear in person or fails to remain present in-person, in pursuance of the notice.
- (vi) The warrant of arrest shall be issued in the prescribed Form No.II under the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, as given below :

FORM II
WARRANT OF ARREST
IN THE SUPREME COURT OF INDIA
(Inherent Jurisdiction)

To
(Name and designation of the person or persons who is or are to execute the warrant).

Whereasofis charged with committing contempt of this Court, you are hereby directed to arrest the said.....and to produce him before this Court.

Herein fail not.

(If the Court has issued a bailable warrant, the following endorsement shall be made on the warrant).

If the saidshall give bail in the sum of Rs.with one surety in the sum of Rs.(or two sureties each in the sum of Rs.....) to attend before this Court on theday of, 20...., and to continue so to attend until otherwise directed by this Court, he may be released.

Dated thisday of20.....

(SEAL)

REGISTRAR

- (vii)(a) The warrant shall be executed by the officer or officers to whom it is directed or by any other police officer whose name is endorsed upon the warrant by such officer(s).
- (b) If the warrant is to be executed outside the Union Territory of Delhi, it may be forwarded to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the District, within which the person charged is believed to be residing.
- (viii) The bond and bail-bond after arrest under a warrant has been prescribed in Form No.III, as under :

FORM III

BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT IN THE SUPREME COURT OF INDIA (Inherent Jurisdiction)

I,.....(name) ofbeing brought before the District Magistrate of(or as the case may be) under a warrant issued to compel my appearance to answer to the charge of contempt of the Supreme Court do hereby bind myself to attend the Supreme Court on theday of.....next, to answer to the said charge, and to continue so to attend, until otherwise directed by the Supreme Court; and, in case of my making default herein, I bind myself to forfeit to Union of India, the sum of Rupees.....

Dated thisday of20.....

(SIGNATURE)

I do hereby declare myself surety for the above-named.....of.....that he shall attend beforein the Supreme Court on the.....day ofnext, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Supreme Court; and, in case of his making default therein, I bind myself to forfeit to Union of India, the sum of Rupees.....

Dated this day of20.....

(SIGNATURE)

- (ix) Where a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant of commitment for contempt and detention shall be made out in Form No.IV, as given below, under the signature of the Registrar, which shall remain in force until it is cancelled by order of the Court or until it is executed.

FORM IV
WARRANT OF COMMITMENT FOR CONTEMPT
IN THE SUPREME COURT OF INDIA
[Inherent Jurisdiction]

To the Superintendent (or Keeper) of the jail at.....

Whereas at the Court holden on this day (name and description of the contemner) has been adjudged by the Court guilty of wilful contempt of Court, and he has been sentenced to suffer imprisonment for the period.....(here specify the term) and/or to pay a fine of Rupees.....

This is to authorize and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (name of the contemner)

into your custody, together with this warrant, and to keep him safely in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said.....is in your custody, produce the said.....before the Court, at all times when the Court shall so direct.

Given under my hand and the seal of the Court, this.....day of.....20.....

(SEAL)

REGISTRAR

General

1. In case any request is received by way of a letter, application or report from a subordinate Court/Authority/Arbitrator/Court Commissioner seeking extension of time, the request be converted into miscellaneous application and shall be placed before the Court expeditiously with the remark "Request from Subordinate Court/Authority/Arbitrator/Court Commissioner, as the case may be, for extension of time".
2. While issuing clearance for urgent mentioning of cases and applications, the Branch Officer and the dealing Assistant shall physically verify and ensure that paper books of the main case are available and complete in all respects.
3. An appeal against the order of the Registrar under Order XV Rule 5 of the Rules shall be listed expeditiously, not later than a fortnight.
4. Office report for cases listed on a Friday and Monday shall be circulated and uploaded by 6.00 p.m. on the previous Wednesday and Friday respectively.

Office report mentioning filing of affidavit in opposition, rejoinder affidavit, documents, etc., shall include reference to page numbers concerned in bracket.

5. Fresh office report shall be prepared in case the office report is of a much earlier date.
6. Where the Court has directed a case to be tagged with another case, the Branch Officer shall, after due care, get the case tagged and updated in the computer.
7. Motion shall issue only in case where *ad interim ex parte* order is sought and where delay caused by notice would or might entail serious hardships.
8. No case updated before the Court shall be deleted/eliminated, under any circumstances, except under the orders, in writing, of the Registrar [J-I].
- 9.(a) Where a requisition, in writing or otherwise, has been received by a Judicial branch in respect of paper books in its custody, the Branch Officer shall send the said paper books on the same day before 1.00 p.m. without fail. In no case, the Branch Officer and the concerned dealing Assistant shall leave the office without acknowledgment of the receipt of such paper books from the Paper Books branch.
- (b) The Branch Officer shall ensure that copies of Record of Proceedings and other documents are sent to Section I-A Annexe [paper books godown] without any delay, in order to enable the officials to include them in the paper books promptly.
10. The last Record of Proceedings shall be kept on record at the time of listing of the case or application either before the Court or Judge in Chambers or the Court of Registrar. In case the last Record of Proceedings could not be obtained for any reason and if it is obligatory to list the case again, an appropriate office report shall be prepared disclosing the previous date of listing and the fact that last Record of Proceedings is still awaited.

11. A dealing Assistant shall make a note in the file that copies of Record of Proceedings of the specific dates have been sent to the Paper Books branch for inclusion in the paper books or have been included in the paper books.
12. A dealing Assistant shall not again send a Record of Proceedings to the Paper Books branch, which has already been included in the paper books.
13. No unregistered or defective application shall be listed before the Court, unless otherwise directed by the Court.

Note

Where any particular number of days is prescribed by the Rules, or is fixed by an order of the Court, in computing the same, the day from which the said period is to be reckoned shall be excluded, and, if the last day expires on a day when the Court is closed, that day and any succeeding days on which the Court remains closed shall also be excluded.

CHAPTER XV JAIL PETITION

A person lodged in jail and not represented by an advocate on-record can submit a petition/appeal along with a certified copy of the impugned judgment and written arguments, which he desires to advance in support of his petition/appeal, to the Officer in-Charge of the Jail where he is lodged. The Officer in-Charge of the Jail shall forward the petition/appeal to this Court. A true copy of the judgment of the Court immediately below is required to be filed in cases under Order XX Rule 5(1) of the Rules. In case the petition/appeal has been filed after expiry of the prescribed period of limitation, an application for condonation of delay be filed. The date on which the petition/appeal is presented before the Officer in-charge of the Jail and is attested by him, is taken as the date of filing of the petition. The petition/appeal must contain a statement that no similar petition has been filed earlier.

Processing

1. The jail petition/appeal shall be processed by the dealing Assistant within three days of its receipt.
2. The concerned department of the State, Courts and Jail authority shall be informed forthwith by telegram or electronic mode about the filing of the case, if it relates to sentence of death. The date, if any, fixed for execution shall be ascertained forthwith from the jailor for the information of the Court by way of office report.
3. Having ascertained from the Supreme Court Legal Services Committee that similar petition/appeal has not been received by it, the Registry shall process the case.
4. The Registrar shall, whenever necessary, call from the proper officer of the Court appealed from the relevant documents for determination of the petition.
5. As soon as all necessary documents are available, the Registrar shall

require Supreme Court Legal Services Committee to assign an advocate or assign an advocate from the panel maintained by the Registry to act as an *amicus curiae* on behalf of the accused and he shall be advised to contact the prisoner.

6. (i) The photocopies of all the documents received from Jail authority shall be supplied to the *amicus curiae* to enable him to draft the petition for special leave to appeal/appeal, prepare the paper books and submit the same to the Registry within fifteen days.
 - i. The charges for typing, translation, binding and photocopying, except for the photocopies supplied by the Registry, shall be paid to him by the Registry.
 - ii. A certificate shall be issued to the *amicus curiae* engaged at the cost of the State specifying the fee payable to him by the State. Unless otherwise ordered by the Court, the fee of *amicus curiae* shall be Rs. 10,000/- for final disposal stage or the regular hearing stage and Rs. 6,000/- for the admission hearing stage.
 - iii. The *amicus curiae* shall not be entitled to any fee in case of his absence at the time of hearing and disposal of the case.
7. The petition/appeal accompanied by a certified copy of the impugned judgment, including a true copy of the Court immediately below, if any, shall be sufficient for the purpose of registration and first listing before the Court, without requisitioning other documents at that stage.
8. In case the petition/appeal is not accompanied by a declaration on affidavit that no similar case had been filed earlier or it suffers from defects, such as,
 - i. non-disclosure of requisite particulars of the case or Court from whose order it arises and such particulars cannot be ascertained from the documents filed; or

- ii. it is not accompanied by a certified copy of impugned judgment/order; or
- iii. it is barred by limitation and is not accompanied by application for condonation of delay; or
- iv. it suffers from such other defects, which are required to be removed to bring the petition/appeal in conformity with the Rules on account whereof it will not be possible for the Court to hear the matter,

the defects shall be communicated to the petitioner/appellant through Jail authority requiring him to remove them within twenty eight days from the date of receipt of such communication failing which the petition/appeal may be dismissed for default.

A copy of the communication shall be endorsed to the Jail authority and *amicus curiae* requiring them to assist the petitioner/appellant to remove the defects.

- 9. In case the defect(s) is not removed, despite communication, the petition/appeal shall be placed with diary number (unregistered) before the Court with comprehensive office report indicating the defect(s) and a copy thereof shall be sent to the petitioner/appellant, through the officer in-charge of the jail and the *amicus curiae*.
- 10. A typed transcript copy of the petition/appeal, impugned judgment/order or other documents sent by the petitioner/appellant, which are handwritten in English or have dim impression, shall be prepared by the Registry.
- 11. In case the documents are in vernacular language, the same shall be translated in English at the Registry.
- 12. If a transfer petition, or a writ petition alleging violation of a fundamental right received from jail, lacks necessary particulars and is found to be defective, the procedure in clause (8) above, with

necessary modifications, shall be followed.

13. The High Court be requested to furnish complete memo of parties, if the same is not indicated in the impugned judgment/order but listing of the case shall not be deferred on this count.
14. If the petition/appeal discloses no reasonable cause or is frivolous or contains scandalous matter, the Registrar may decline to register the same and the entire order passed by the Registrar under Order XV Rule 5 of the Rules shall be communicated to the petitioner/appellant. He shall also be informed of the right to appeal and limitation therefor.
15. No records shall be requisitioned from the Courts below, unless otherwise directed by the Court or found necessary for the purpose.
16. The fact that the petitioner/appellant stands released from prison during the pendency of the case, having served out the sentence awarded by the Court below, does not render the petition/appeal infructuous but the said fact shall expeditiously be brought to the notice of the Court.
17. In case of default in compliance with the directions of the Court or with any requirement of the Rules, practice and procedure, the case shall be placed before the Court along with appropriate office report for directions.

General

1. If an *amicus curiae* does not appear before the Court on the date of hearing, his name shall be struck off from the panel of *amicus curiae* under the orders of the Registrar, unless the lapse is condoned by the Court and subject to any other directions of the Court.
2. The period of sentence should invariably be indicated in the office report as also on top of the Part II file.

CHAPTER XVI

CONSTITUTION AND FUNCTIONS OF THE JUDICIAL BRANCH

Preliminary

1. The Judicial branches of the Registry shall be responsible for --
 - (i) receipt and processing;
 - (ii) listing;
 - (iii) requisitioning of original records;
 - (iv) compliance with Court orders;
 - (v) custody and maintenance of paper-books;
 - (vi) receipt of spare copies and preparation of notices, etc.;
 - (vii) receipt and disbursement of Court deposits and suitors' fund;
 - (viii) translation;
 - (ix) preparation of decrees, memos of cost, certificates and writs;
 - (x) delivery of certified/unauthenticated copies;
 - (xi) maintenance and destruction of records;
 - (xii) scanning of records; andmatters incidental thereto in respect of main cases and/or documents filed therein.

2. There shall be the following Judicial and ancillary branches—
 - (i) Filing Counter
 - (ii) Civil Branches
 - (iii) Writ Branches
 - (iv) Criminal Branches
 - (v) Listing Branch
 - (vi) Transfer Petition Branch
 - (vii) Paper-books Branch
 - (viii) Translation Branch
 - (ix) Copying Branch
 - (x) Cash Branch in relation to Court deposits and suitors' fund
 - (xi) Decree Branch
 - (xii) Receipt and Issue Branch
 - (xiii) Editorial Branch

- (xiv) Scanning Branch
- (xv) Elimination Branch
- (xvi) Record Room

3. A branch shall be headed by a Branch Officer and an Assistant Registrar. Additional Registrar or a Deputy Registrar, as the case may be, shall be the in-charge of the branch.
4. All officers and officials of the Judicial branch shall work under the control and general supervision of the Registrar.
5. A Court Assistant or a Junior Court Assistant may be attached to a dealing Assistant as a unit. The attached Assistant may assist the dealing Assistant in day-to-day work and deal with his case files and perform duties in his absence on account of leave by operating through the password to be allotted by the Computer Cell for the period of absence or, in case of extreme exigency, through the password allotted to the Branch Officer of the branch.
6. The main cases shall be allotted to the dealing Assistants ordinarily in the lots of twenty five, e.g., first twenty five cases received in the Branch shall be allotted to dealing Assistant No.1, next twenty five to dealing Assistant No.2 and so on, on the basis of State/High Court, wherever applicable, or on the basis of subject category in relation to cases arising from Tribunals/Authorities.
7. A main case, inclusive of applications, documents, review petitions and curative petitions, except the one to be dealt with by the Filing Counter, allotted to a dealing Assistant shall be dealt with and processed by him till its disposal, irrespective of the stage, i.e., admission hearing or regular hearing stage.
8. Every miscellaneous application filed by a party or advocate on-record shall be placed before an officer not below the rank of Deputy Registrar for the purpose of consideration for registration or otherwise.

9. (a) There shall be a diarist in each branch to receive and diarise all receipts, documents and papers in the branch.
- (b) The receipt and despatch of case files, receipts, documents or any papers within, or from outside, the branch shall be done under acknowledgment by the diarist and he shall maintain a diary for the purpose of diarising the receipts.
- (c) Every case file, receipt, document and paper received in the branch shall be first diarised and, along with the Diary Register, be placed before the Branch Officer, who shall suggest action thereon. In respect of important receipts, he shall place them before the Assistant Registrar in the first instance or any other senior officer and solicit directions thereon.
- (d) It shall be the responsibility of the Branch Officer to ensure that each receipt dairised be acknowledged by the concerned dealing Assistant by putting his dated initials and action be taken thereon without any delay.
- (e) In case any of the dealing Assistant has failed to take timely action on any receipt or Record of Proceedings, the Branch Officer and Assistant Registrar shall ensure that action is taken thereon forthwith and report the fact to the Officer in-charge for taking immediate corrective measures.

Dealing Assistant

It shall be the duty of the dealing Assistant --

1. to prepare and maintain, either in physical or electronic form--
 - (a) Daily Diary/Peshi Register;
 - (b) Register of listing of Cases;
 - (c) Movement Register; and
 - (d) Register for FDRs, Security and Bank Guarantees.
2. to prepare files [Part I and Part II] of the main cases, wherever

required.

3. to requisition original records from the Courts appealed from and the Courts below thereto, if the case is to be heard along with the records;
4. to send timely proposals for listing of main cases, applications and office reports on default to the Listing Branch under the orders of the Branch Officer, wherever applicable;
5. to keep the cases ready for hearing after making compliance with any direction given by the Court;
6. to process interlocutory application within three days and miscellaneous application within seven days from the date of filing/receipt;
7. to take all actions, including service of notice on the parties, bringing legal representatives on record, listing of all applications, sending certified copies to the Court appealed from and Courts below thereto, requisitioning of original records, etc., for making the case ready for hearing.
8. to get the fixed date or cases listed on the date or in the period specified by the Court, even if they are not otherwise ready for hearing, with office report;
9. to prepare and maintain report of service on the parties and documents filed in the case.
10. to send documents for inclusion to the Paper Books branch;
11. to get the cases certified by the Registrar as 'Ready' for regular hearing under pre-final hearing under Order V Rule 1(30) of the Rules;
12. to update the regular hearing case as 'Ready' in the Terminal List in terms of the order of the Court or under Order V Rule 1(30) of the

Rules;

13. to prepare notice, decree, formal order, telegram, schedule of costs; to draft and make correspondence with various Authorities and Courts appealed from, Courts below thereto as also parties in relation to a main case or application;
14. to ensure compliance with any special direction given by the Court regarding issuance of notice or listing of cases or otherwise and to bring difficulties, if any, in relation to a case to the notice of the Branch Officer at the earliest;
15. to verify and confirm cases for listing shown in the draft list and report error or discrepancy, if any;
16. to check and verify cases shown in the advance list, weekly list, daily list and supplementary list and report error or discrepancy, if any;
17. to arrange and prepare files of disposed of cases for consignment to the Record Room and to keep a list thereof;
18. to ensure that the names of all the advocates on-record and *amicus curiae* in a case as also applications are updated in the computer.
19. to check notices before initialling them and submitting them for signature of the officer concerned;
20. to examine properly the files of admission and regular hearing cases before they are listed before the Court;
21. to place before the Court, Report(s), if any, received from an Authority in compliance with the order of the Court and keep it in the custody of the Branch Officer and, in his absence, in the custody of the Assistant Registrar;
22. to immediately bring to the notice of the Branch Officer and Assistant Registrar about a case received in the Branch relating to sentence of death;

23. to maintain a register of fixed date cases and ensure that no such case escapes listing on the due date;
24. to maintain a register for Special Bench, Larger Bench and Constitution Bench cases.
25. A dealing Assistant shall be the custodian of, and responsible for, the files of the cases allotted to him. The process shall be undertaken by him by operating the password allotted to him. He shall be responsible for the safety and security of the files as also for the maintenance of the files in a proper manner.
26. The primary duty to comply with the Court's order shall lie with the dealing Assistant. He shall peruse the order as soon as practicable. In case of any difficulty in understanding the ratio of the order, he shall immediately consult the Branch Officer or Assistant Registrar, as the case may be, and take steps to comply with the order immediately.
27. Where the Court has directed that the order shall be brought to the notice of the higher Authorities, the dealing Assistant shall forthwith place such matter before such Authority, through the intermediate officers.
28. Whenever any dealing Assistant is transferred from a Branch to another branch on account of promotion or otherwise,
 - (a) he shall proceed on transfer only after handing over the charge of the seat to the new incumbent in a proper manner and shall also inform about the urgent actions to be taken in the files as also account for each and every file being dealt with by him;
 - (b) a charge report of handing over and taking over shall be prepared and counter-signed by the Branch Officer;
 - (c) If any urgent action could not be taken by the new incumbent on the ground of non-appraisal of the said fact by the outgoing dealing Assistant, both the dealing Assistants shall be held responsible for that lapse:

Provided that due appraisal of urgent action by the outgoing dealing Assistant shall not make him liable for the lapse.

29. to perform such other duties and work as may, from time to time, be assigned by the Branch Officer or senior officers.

Branch Officer

It shall be the duty of the Branch Officer --

1. to supervise overall working of the Branch;
2. to ensure that all seats in the Branch are manned and work of absentees is properly reallocated;
3. to examine the files thoroughly;
4. to check and approve formal orders;
5. to address communication, and sign letters, to the Courts appealed from, Courts below thereto, Authorities, advocates and parties in-person;
6. to ensure that Jail petitions/appeals and applications are processed by the dealing Assistant within the stipulated period;
7. to ensure that review petitions and curative petitions are processed by the dealing Assistant, expeditiously;
8. to ensure that notices are issued by the dealing Assistant within three days of the receipt of process, unless otherwise directed by the Court;
9. to examine service reports submitted by the dealing Assistant;
10. to maintain a register of fixed date cases and ensure that no such case escapes listing on the due date;
11. to note down important directions of the Court;
12. to ensure that every case, complete or otherwise, is placed before the concerned Court;
13. to ensure that cases are listed as per the directions of the Court;
14. to ensure that cases do not remain unattended and required action is taken thereon, including a date before the Court;

15. to ensure compliance with the orders of the Court;
16. to go through all the receipts and documents received in the branch as also suggest and ensure action thereon;
17. to examine the issue of deficient or excess court fee, if any;
18. to keep in his custody, Reports, if any, received from any Authority in compliance with the order of the Court or otherwise;
19. to maintain a file containing circulars/directions issued by the senior officers and ensure compliance;
20. to ensure and take orders for registration of the applications within the stipulated period;
21. to check all Lists, including final cause list, supplementary list, advance list, weekly list and terminal list, and report error, if any, as also ensure necessary correction;
22. to check, suggest and ensure action on the orders passed by the Court on the applications;
23. to check, suggest and ensure action on the orders regarding bail, release and other interlocutory orders in criminal cases;
24. to contact immediately the Jail authority in case of death sentence and ascertain date, if any, fixed for execution for the information of the Court and indicate the same in the file giving description and phone number of the officer contacted;
25. to check and approve telegrams to be sent to Jail authorities, State(s) and concerned Courts in criminal cases, including relating to sentence of death;
26. to check and approve office reports of the cases to be placed before the Court and Judge in Chambers and sign office reports to be placed before the Court of Registrar, after thoroughly examining the service position and status of the case;
27. to maintain a register in regard to FDRs, Securities, Bank Guarantees, etc., and shall apprise the Court and senior officers, from time to time, in that regard as also taken action thereon;
28. to prepare notice and warrant, if required, in relation to the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975;

29. to liaise with other branches of the Registry, advocates, parties in-person, Courts and Authorities in relation to cases;
30. to perform duties as may be required in the ICMIS through allotted password;
31. to allot password to an Assistant temporarily in the absence of a regular dealing Assistant in extreme exigency of work;
32. to obtain temporary password from the Computer Cell for an attached Assistant during the absence of a regular dealing Assistant on account of leave;
33. to check draft and fair decrees;
34. to pass orders for consignment in admission hearing cases;
35. to properly check certified copies of judgments/orders and copies of bailable and non-bailable warrants;
36. to check endorsements such as, copies of judgments/orders or interlocutory orders and documents regarding original records to the Courts/Authorities concerned;
37. to check all registers maintained by the dealing Assistants and prepare statistical reports in the branch;
38. to draft response to the applications under the Right to Information Act, 2005, and submit to the senior officers forthwith;
39. to perform such other duties and work as may, from time to time, be assigned by the senior officers.

Court Master

It shall be the duty of the Court Masters--

1. to report in Court at 10:00 a.m. sharp and shall arrange the paper books *in seriatim*. In case any deficiency is noticed, the same shall immediately be reported to the concerned Branch Officer or dealing Assistant, as the case may be, and the secretariat of the Judge concerned;
2. to call the cases in the open Court serially and place the paper books of the cases listed before the Bench;

3. to ensure that the case being heard is properly displayed on the Digital Display Board;
4. to maintain a register or list of mentioning cases and forward such mentioning memo/listing proforma to Registrar (J-I);
5. to go through the files of the cases listed before the Bench and shall draw broad outline of the issues involved in the case in writing;
6. to prepare a list of reported cases and judgments/orders on similar/identical issues and keep them ready for the perusal of the Bench;
7. to keep the Act(s) concerned in the case ready and shall flag the relevant provision(s) thereof for ready reference of the Bench in order to avoid waste of time; to wit, in a tax case, relevant Assessment Year shall be noticed and the relevant Act be kept ready with provision(s) concerned. In case of amendment in any section from retrospective effect, then the Act concerned amending the said section shall be made promptly available to the Bench;

In criminal cases, the sentence and conviction shall be seen; whether the accused is in jail or on bail; if confined, details of the jail; and whether the case has been filed against an interim order, final order, order rejecting/cancelling bail, etc.;

8. to make available at the time of hearing all the books cited by the advocates;
9. to receive and return to the concerned branches files of the cases listed for hearing before the Bench;
10. to be ready with the dates and page numbers of the different orders of the lower authorities in the paper books;
11. to bring to the notice of the Bench immediately, as and when desired, the service position and other documents received and placed in the files, i.e., settlement in a marital case by the Legal Services Authority/Committee or mediation centre or any other report;
12. to bring to the notice of the Bench, at the time of issue of notice or disposal of a main case, the applications for directions, substitution, impleadment, intervention, condonation of delay in filing cases and other applications for appropriate orders;

13. to requisition the files relating to identical/similar issue or cases filed against the common/relied upon impugned order in which an order has already been made and place them before the Bench at the time of hearing of a case, as and when required;
14. to note down the direction/order of the Bench in relation to a case and update the result in the computer immediately. The cause list would be prepared by the Listing branch taking into account also the said updation in accordance with the direction of the Bench;
15. to send the paper books of CAV matters to the residential offices of the Judges and ensure that reference books, if any, required by the Judges shall also be sent along with CAV matters;
16. to maintain a list of CAV matters of the Bench and update the Listing branch and secretariat of the Bench;
17. to keep themselves aware of the important judgments/orders of the Court and make them available to the Bench, if required;
18. to provide such information/clarification, as may be required by the officials/officers in relation to processing of a case;
19. to sign the Record of Proceedings and the Court Master (Shorthand) shall diligently incorporate the corrections, if any, made in the draft Record of Proceedings/orders by the Judge, which shall be cross-checked by the Court Master (Non-Shorthand) and ensure that orders are sent to all concerned branches and uploaded on the server promptly;
20. to work diligently so that no orders, duly approved and signed, and Record of Proceedings of the Court shall remain unattended or pending;
21. to be well-versed with the Rules as also practice and procedure and update themselves with latest amendments and extant Rules, which shall be brought to the notice of the Bench, as and when required;
22. to receive, and despatch, original records under acknowledgment from the concerned Branch. Original records shall be kept ready and be made available for the perusal of the Bench immediately, as and when required. The important documents in the records shall be flagged for ready reference of the Court; to wit, in a criminal case, F.I.R., charge-

sheet, statements, etc., as also the judgments of the Trial Court and the High Court;

23. to maintain a diary of the cases where future dates have been given by the Bench;
24. to promptly inform the Registrar (J-I) about any specific direction given by the Bench concerning any action to be taken by the Registry;
25. to ensure that the paper books of all the cases, which have been directed to be listed in the same week or next week, are sent separately to paper books godown expeditiously, preferably on the same day but not later than next day. He shall be responsible for the paper books of the cases listed before the Bench and shall send them to the paper books godown promptly, under acknowledgment;
26. to send paper books of part-heard cases or those required by the Judges directly to the residential offices under written intimation to the Assistant Registrar (Paper Books godown);
27. to take directions of the Bench in relation to F.D.Rs., Securities, Bank Guarantees or disbursement of the amount deposited in the Court at the time of disposal of the case or whenever occasion arises;
28. to forthwith inform the Registrar (J-I) and the Registrar concerned as also police personnel on duty, either inside or outside Court, about the order of the Bench to take a party or contemnor, present in-person in Court into custody, who has been sentenced to imprisonment under the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975;
29. to give preference to orders as regards release, bail, suspension of sentence and parole and transmit them to concerned branch expeditiously;
30. to send orders relating to a main case, in a closed cover, at the residential offices of the Judges for signatures;
31. to immediately transmit on the server the Record of Proceedings, judgments and orders, upon issuance, after digitally signing the electronic record of such judgments and orders, and report compliance to the officer in-charge on the same day;

32. to send files, paper books, documents or orders to the R&I branch by 5.30 p.m., as far as possible, which are required to be sent to the residential offices of the Judges, and for despatch beyond that time, advance intimation be given to the branch telephonically so that such documents can be sent by a special messenger;
33. to carry out such other work, as may be assigned to them by the Bench or senior officers.

Assistant Registrar

It shall be the duty of the Assistant Registrar --

1. to approve wireless messages; sign notices, except contempt notices; and certify documents;
2. to note down the cases listed in the Court;
3. to read Record of Proceedings and judgments/orders carefully placed before him and ensure compliance;
4. to examine urgent filing/documents received from the Filing Counter and ensure proper action;
5. to examine the issue of court fee, if any;
6. to examine the issue of, and extract, question of law;
7. to ensure timely listing of cases;
8. to submit proposal, in detail, in applications to the Deputy Registrar/Additional Registrar;
9. to ensure timely transfer of files to the Decree branch for preparation of decree after certifying that no action is pending in the file;
10. to thoroughly examine the service position and status of the case before signing Office Reports to be placed before the Judge in Chambers and Court;
11. to ensure that documents mentioned in the office reports have been included or circulated for inclusion in the paper books;
12. to ensure fair and equitable distribution of work;
13. to prepare statements/details of cases, received and disposed of, relating to the Branch;

14. to check pendency of receipts once in a week;
15. to ensure return of original records immediately in case of orders of remand to the Court(s) below as also in disposed of cases, if requisitioned;
16. to pass registration orders in interlocutory applications;
17. to maintain a register for F.D.Rs., Bank Guarantees, Securities, etc., and ensure action thereon;
18. to pass orders for consignment of files in regular hearing cases;
19. to thoroughly examine and inspect the files of the branch of incomplete/not ready cases once in a month and submit the report to the Deputy Registrar/Additional Registrar regarding delay in action, if any, and pendency of various applications lying in the branch as also report about the general functioning of the branch;
20. to ensure that no work of urgent nature is pending with subordinate officer and officials before they leave the office;
21. to check all the cause lists and bring to the notice of the Listing Branch, error or discrepancy, if any, and ensure its correction;
22. to check 'After Notice' cases as to whether proper action has been taken in conformity with the Rules, practice and procedure and other directions. In case proper action has not been taken, he shall give necessary guidance accordingly;
23. to guide the subordinate staff in day-to-day work;
24. to attend to the work of the Branch Officer in his absence; and
25. to perform such other duties as may be assigned to him by the senior officers.

Deputy Registrar

It shall be the duty of the Deputy Registrar --

1. to sign formal orders where the *lis* has attained finality; summons for non-prosecution; wireless messages, contempt notices, decrees in civil cases and transferred cases;
2. to pass orders for registration of the miscellaneous applications;

3. to give guidance to the staff;
4. to check pendency of receipt at least once in a week;
5. to check and suggest actions in 'Not Ready' cases in order to make them ready;
6. to pass orders in case of difference of opinion between the Branch Officer and Assistant Registrar; and if the matter is complicated, he may refer to, and seek guidance from the Additional Registrar, wherever applicable, or the Registrar, as the case may be;
7. to ensure smooth functioning of the branch and to effect fair and equitable distribution of work;
8. to examine the report, if any, regarding delay in action submitted by the Assistant Registrar and place the same before the Additional Registrar, wherever applicable, or the Registrar, as the case may be, with suggestions;
9. to inspect the branch once in three months and submit a report to the Registrar regarding pendency in the branch of 'Not Ready' cases and general functioning of the branch;
10. to randomly check the status vis-a-vis uploading of office reports, at least twice a week;
11. to act as the Assistant Public Information Officer under the Right to Information Act, 2005;
12. to attend to the urgent nature of work in the absence of Assistant Registrar, including signing of office reports; and
13. to get the work done from other officers under his control and perform such other duties as may be assigned to him by the senior officers.

Additional Registrar

It shall be the duty of the Additional Registrar--

1. to take policy decisions with regard to cases pending, with the approval of the Registrar;
2. to decide any question referred by the Deputy Registrar, wherever applicable;

3. to issue circulars periodically for the purpose of giving proper directions for smooth functioning of the branches under his control, with the approval of Registrar;
4. to ensure speedy action by the branch in Court's orders of urgent nature;
5. to inspect the branch periodically for the purpose of checking the pendency;
6. to examine the files of 'Not Ready' cases and give directions and guidance for making them ready;
7. to attend to the problems faced by the branch;
8. to give proposals for amendment of the Rules, wherever necessary;
9. to ensure prompt action in cases and get the work done in time;
10. to keep a tab on the pendency of cases and give appropriate directions;
11. to randomly check the status vis-a-vis uploading of office reports, at least twice a week;
12. to attend to the queries of the advocates and solve the problems to the maximum extent within the ambit of the Rules;
13. to extract maximum work from the officers/staff working under his control;
14. to act as the Assistant Public Information Officer under the Right to Information Act, 2005;
15. to attend to the work in the absence of Deputy Registrar under his control, wherever applicable; and
16. to perform such other duties as may be assigned by senior officers from time to time.

Note

The afore-stated duties of the dealing Assistant upto the rank of Additional Registrar, as stated in this Chapter, are only illustrative in nature and they may perform such other duties as may be assigned to them for the smooth and efficient functioning of the Court and the branch.

Listing of Cases

1. Separate registers for civil and criminal cases, to be heard by the Benches, shall be maintained, either in physical or electronic form, to show when they are complete in all respects and ready for hearing.
2. Where the Court has directed listing of a case on a particular date or during a particular period, the dealing Assistant shall make a note in that regard in the register and prepare the proposal for listing accordingly.
3. The proposal for listing of an admission hearing or regular hearing case shall be submitted by the dealing Assistant after approval of the Branch Officer or the Assistant Registrar, as the case may be, sufficiently in advance of the proposed date of listing, excepting the case taken from the terminal list.
4. The Registrar (J-I) shall take into account the proposals, keeping in view the fresh cases to be listed on the admission hearing day and the cases to be listed on a regular hearing day while preparing the cause lists. He shall also ensure that the cases are listed in accordance with the roster and instructions issued by the Chief Justice from time to time.

Applications

1. On receipt of an interlocutory application or miscellaneous application or any document, the diarist shall hand over the same, under acknowledgment, to the concerned dealing Assistant, who shall place the same on the record of the main case in which it has been filed on the same day, if possible, but, in no case later than the following working day.
2. Every interlocutory application or miscellaneous application, besides bearing a centralized annual serial number against which it

is registered in the register of petitions in the computer, shall also bear a serial number in the chronological order of its presentation in the proceeding.

Peremptory Order

1. Where a peremptory order has been made, the dealing Assistant shall make a note in the diary register and call for compliance report from the concerned official immediately after the expiry of the period stipulated in the order.
2. If the peremptory order has not been complied with, on the basis of the report of the concerned official, the dealing Assistant shall submit the factum of non-compliance to the Assistant Registrar, and, under approval, the consequence shall ensue and the case shall be updated accordingly in the computer within a week of the expiry of the stipulated period.

Explanation: Part compliance of a peremptory order shall be deemed to be non-compliance thereof.

3. A copy of the peremptory order shall be forwarded to the Court appealed from within a week of such order.

Expeditious Communication of Bail Orders and Release Orders

1. The officer in-charge of the criminal branch shall keep a directory of the Prison officials in India, published by the Bureau of Police Research and Development, Ministry of Home Affairs, New Delhi.
2. In case of release or bail order, excepting subject to the satisfaction of the Trial Court or any other Authority, a wireless message shall be sent forthwith to the concerned Jail authority, Registrar of the High Court and Trial Court along a certified copy of the judgment or order, as the case may be, by fax, wherever possible, or electronic mode and speed post.

3. Where an order directing stay of sentence of death has been made, an intimation thereof shall be immediately sent by speed post, telegram, fax, wherever applicable, or electronic mode, to the concerned State, Courts and Jail authority.

Provided that in case of a petition or appeal involving sentence of death, the filing of such petition or appeal shall be intimated in the same manner and the jailor shall be immediately contacted to ascertain the date, if any, fixed for execution of the sentence and the information shall be immediately placed before the Court by way of office report.

4. The Registrar of the concerned High Court shall also be requested to communicate the order to the Trial Court as well as Jail authority as expeditiously as possible.
5. The Officer in-charge (Courts) shall ensure that the Record of Proceedings, judgments or orders of the Court are immediately sent to the concerned Branch after pronouncement.

Inclusion of Documents in the Paper Books

1. (a) The dealing Assistant shall, from time to time, expeditiously include documents, such as Record of Proceedings, judgments/orders, affidavits in opposition, rejoinder affidavits, office reports and other documents in the paper books of the case.
(b) No documents, other than the part of the record, shall be included in the paper books.
2. The documents shall be sent for inclusion in the paper books in accordance with the Schedule mentioned in Chapter XIX, unless otherwise required.
3. In case the dealing Assistant is unable to send the documents for circulation as per clause 8 of Chapter XVIII, he shall circulate the same in a closed envelope through R&I branch.
4. It shall be the duty of the dealing Assistant to keep the paper books updated with Record of Proceedings, orders and other documents.

Decree and Formal Order

1. The decree shall be prepared within one week from the date of the judgment and order.
2. The files shall be sent to the Decree branch within two days from the date of judgment/order or from the date of receipt of files from the Court Master.
3. The draft shall be vetted and forwarded to the Additional Registrar/Deputy Registrar by the Branch Officer for approval and signature.
4. After the decree is signed by the Additional Registrar/Deputy Registrar, the file shall be sent back to the concerned Judicial branch.
5. The dealing Assistant shall prepare formal order in criminal cases forthwith where the *lis* has been finally adjudicated by the Court, which shall be approved and signed by the Additional Registrar/Deputy Registrar with promptitude.
6. The dealing Assistant shall expeditiously cause to transmit the original records, if received, to the respective Courts below, except in case of remand where the records shall be transmitted forthwith, along with a certified copy of the decree or formal order, as the case may be, wherever required, to such Courts.

Linked and Connected Cases

1. Cases arising from the same judgment/order/notification/F.I.R., etc., shall be referred as the 'linked cases' and cases involving similar points of law and/or fact, though arising from different judgment/order/notification/F.I.R., etc., shall be referred as the 'connected cases'.
2. It shall also be the responsibility of the Branch Officer and dealing Assistant to keep track of the linked and connected cases for being listed together for analogous hearing. All such cases shall be clubbed together High Court/State-wise and allotted to an Assistant, dealing

with the oldest or main case in the bunch *intra*-branch.

3. No case shall be treated as connected case, unless specifically ordered by the Court. In case the connected cases, owing to the roster, are required to be listed before different Benches, the Registrar (J-I) shall place them before the Chief Justice for orders as to the Bench before which such cases may be listed for analogous hearing.

Translation

Under Order VIII Rule 2 of the Rules, no documents in language other than English shall be used for the purpose of any proceedings before the Court. The documents in languages, other than English, are required to be translated into English.

- (a) Where a party has to incur the expenses for translation, the Branch Officer of the concerned Judicial branch shall mark the documents to be translated and, after taking the approval of the Additional Registrar or Deputy Registrar, as the case may be, send the file to the Branch Officer, Translation Cell.
- (b) The Branch Officer, after calculating the estimated cost of translation and obtaining the approval of the Additional Registrar or Deputy Registrar, shall return the file to the Judicial branch so that the estimated amount can be deposited by the party concerned.
- (c) Upon deposit of the estimated amount, the file shall be returned to the Translation Cell for translation.
- (d) The Branch Officer shall obtain the approval of the name of the translator from the Additional Registrar or Deputy Registrar. A register containing the names of translators of different languages shall be maintained and work shall be allocated chronologically.
- (e) After the translation and receipt of the bill from the translator, the Branch Officer shall send the file along with the bill to the Registrar/ Head of Office, through concerned Registrar, for according financial sanction and for payment.

- (f) After such orders, the file shall be returned to the Branch Officer of the concerned Judicial branch.

Urgent actions should not be held up for want of file from the Translation Cell.

- (g) Since the aspect of cost is not involved in jail petitions, the translation of documents shall be done expeditiously.
- (h) A panel of translators is maintained by the Registry for translating documents from Hindi/vernacular language to English on payment of prescribed charges. The charges payable are as under:

S. No.	Description	Approved rates per page (200 words)
1.	Translation charges for the first 10 pages	Rs. 50/- per page
2.	Translation charges for the next 10 pages	Rs. 40/- per page
3.	Translation charges for the next 30 pages	Rs. 35/- per page
4.	Translation charges for the next 50 pages	Rs. 30/- per page
5.	Translation charges for the next 100 pages	Rs. 25/- per page
6.	Minimum charges upto five pages	Rs. 250/-
7.	Approval of translation	Rs. 15/- per page
8.	Typing charges	Rs.12.00 per page for each additional copy @ Re.1.20 p. per page.

Consignment to the Record Room

- 1.(a) If no steps, after verification, are required to be taken on the file, such as relating to Security, Bank Guarantee, FDR, Report, if any, received in a sealed cover or the like, the file shall be consigned to the Record Room after properly indexing the file within fifteen days from the date of disposal of the case.
- (b) An entry of the result of the case and consequent consignment of the

file to the Record Room shall be made in the relevant register.

- (c) Where a future date has been given for compliance of the order, such as, vacation of premises in a landlord-tenant case or the like, such cases shall also be consigned, subject to the note that the same shall not be weeded out till the period for preservation, which shall be reckoned from that future date.
- 2.(a) Any file consigned to the Record Room may be requisitioned, in writing, under acknowledgment, by an officer not below the rank of Branch Officer in admission hearing cases, and not below the rank of Assistant Registrar in regular hearing cases, indicating the purpose, except in case of requisition by the Court, which shall be made by the Court Master indicating the Item number in which such file is required.
 - (b) In case of urgent requirement during the course of hearing of any case, the Court Master shall inform the concerned Branch Officer on telephone, followed by a proper requisition. Such file shall be sent to the Court immediately.
 - (c) Any file requisitioned by the Branch Officer or Assistant Registrar shall be transmitted on the same day, if possible, but in no case later than the following working day.
 - (d) The requisitioned files shall be returned to the Record Room at the earliest when no longer required.
- 3.(a) In cases where acknowledgments of letters forwarding certified copies of judgments/orders or transmitting original records or Registered A.D. cards or similar such documents are received in the Judicial Branches, pursuant to the consignment of the case files to the Record Room, such documents shall be included in the concerned files in the Record Room and the files in relation thereto shall not be sent to the Judicial branch for this purpose.
 - (b) The Judicial branch shall send such documents to the Record Room, under acknowledgment.

4. A register shall be maintained in the Record Room for the purpose of requisition/transmission of files.
5. The requisitions shall not be destroyed for a period of one year.

General

1. Consequent upon service of notice or otherwise, if a respondent transmits documents by post for being considered by the Court at the time of hearing and state that he will be unable to appear in-person, such documents shall be placed before the Court.
- 2.(a) In case of expedited, short or specially directed cases, the forwarding letter shall indicate that the case has been expedited and the original records, if requisitioned, shall be transmitted as also the certificate of service within one month of the receipt of the letter.
 - (b) In case the original records and certificate of service are not received, the Registrar of the Court appealed from be requested to transmit them expeditiously.
 - (c) In cases other than (a) above, if the notice of lodgment of petition of appeal sent to the Court appealed from is not received back either served or unserved within sixty days from the date of issue, the Registrar of the Court appealed from shall be requested to expedite the process.
 - (d) Such cases shall be made ready within a period of six months from the date of the order.
 - (e) While endorsing notice to the appellant in-person or the advocate on-record for the appellant, an option shall be given to him to effect service by Registered Post directly upon the respondent by submitting additional copies of the paper books.
3. If any process is received back unserved for want of complete/correct address or it is reported that the addressee is avoiding service, the party in-person or the advocate on-record for the

petitioner/appellant/applicant shall be requested to take necessary steps to effect service on the unserved respondent(s).

4. Wherever notice has been issued to the Attorney General for India, in such cases, the words 'Attorney General for India' shall be shown in the cause list along with the names of the advocates on-record.
5. In cases where any law officer or any other advocate or senior advocate has been appointed as an *amicus curiae*, the name of such law officer or advocate or senior advocate shall be shown in the cause list.
6. In a case where notice has been issued to a party in-person, it shall be effected on the said party only and none else, regardless of the fact that the said party is an advocate. In the office report, it shall be mentioned that the notice has been served on the party concerned personally.
7. Whenever notice to show cause is issued to the respondent(s), the notice shall indicate a note mentioning the availability of the Supreme Court Legal Services Committee and Middle Income Group Legal Aid Society in the Supreme Court, wherever required.
8. The cases which have been adjourned for a particular period/month shall be listed before the Court, irrespective of the fact whether affidavit in opposition or rejoinder or any document has been filed or not.
9. The contempt petition, on a returnable date, shall be listed before the Court, even if service is incomplete or affidavit in opposition has not been filed.
10. In case where intervention is allowed by the Court, the intervenor(s) shall be entitled to receive documents produced and relied upon by the petitioner(s), unless otherwise directed by the Court, and no application shall be received or entertained, unless service thereof is effected on the intervenor(s).

11.
 - (a) Office reports shall be cohesive and comprehensive with latest service position indicating the details of mode of service as also other details and shall specifically indicate in the concluding paragraph the orders sought from the Court.
 - (b) The documents enclosed with the office reports shall be duly tagged.
 - (c) Whenever a reference is made to any annexure(s), page number(s) given to the annexure(s) in the paper book shall be mentioned in the office report against the annexure(s).
 - (d) Whenever reference is made in the office report about the pendency of another case in the Court, details, in brief, regarding position and exact status of that pending case shall be mentioned in the office report.
 - (e) In a review petition, if the original paper books are not available and have been weeded out after due preservation under the Rules, it shall be indicated in the office report for the perusal of the Court.
12. Where notice has been served on the respondent(s) but no appearance has been filed, such case shall be treated as complete and be updated and listed before the Court.
13. If a case has been tagged with a case relating to another branch, a copy of the Record of Proceedings shall immediately be sent to that another branch for necessary action thereon.
14. In transferred cases, original records need not be returned. They shall be re-numbered and treated as original file.
15. The Decree branch shall also check whether any action is required to be taken in terms of the orders of the Court and, in such a case, the file may be sent back to the Judicial branch.

16. The officers and officials shall take extra care and caution in regard to handling of files and keep strict vigil on the movements thereof. They shall ensure that files and records sent to the Courts and other places are retrieved back in time and sent to the custodian. The Class III non-ministerial staff deputed for transmission of files must be given strict instructions to perform their duties effectively and not to leave the files unguarded at any unauthorized place.
17. The advocates on-record and parties may contact the Assistant Registrar concerned during the working hours in relation to a case and shall not visit the branch, except with the prior permission of the concerned Assistant Registrar.
18. In cases involving death sentence and where the appellant or the respondent is in jail and is not represented by an advocate on-record, the records shall be prepared and filed by the State.
19.
 - (a) Affidavits in opposition shall be filed five days prior to the actual date of hearing.
 - (b) Rejoinder affidavits shall be filed before two days before the actual date of hearing.
 - (c) Other documents, including letters for adjournments, be filed within two days prior to the actual date of hearing.
 - (d) No departure from clauses (a) to (c) above shall take place *save* with the permission of the Court.
20. An application for cancellation of date(s) shall be processed on the same day of the receipt in the Judicial branch.
21. The applications or documents shall be scrutinized carefully and all the defects shall be notified in the first instance. Irrelevant defects shall not be notified.
22. In no case, the file of a case shall be given to any advocate or a party.

CHAPTER XVII

PROCESS, WARRANTS AND SERVICE OF DOCUMENTS

1. Except where otherwise provided by any statute or prescribed by the Rules, all notices, orders or other documents required to be given to or served on any person shall be served by the Registry in the manner provided by the Code for service of a summons.
- 2.(a) In order to avoid delay in the service of the notice on the Union of India or any State Government or any of its Authorities, the petitioner/appellant shall specify the proper department and address of the Union of India or the State Government or its Authorities, as the case may be, on whom the notice is required to be served.

(b) The service of notice on the Standing counsel/advocate for the Union Government or the State Government/In-charge of the Central Agency Section/Special Officer/Resident Commissioner appointed by the State Government or any of the authorities in Delhi shall be treated as sufficient service on the concerned Government or any of its department.
3. Service of any notice, order or other document on the advocate on-record of any party at his address registered with office or registered eMail address or by leaving it with a clerk in his employ at his office or by sending it at his registered eMail address shall be deemed service on the party on whom he represents.
4. While issuing notice/communication through registered post/speed post, Bar Coding Slips, in triplicate, containing a unique number shall be used in the following manner:
 - (i) First copy of the Bar Coding Slip shall be affixed on the Registered A.D. and Registered parcel;
 - (ii) Second copy of the Bar Coding Slip shall be affixed on the office copy of the notice issued by the concerned branch; and
 - (iii) Third copy of the Bar Coding Slip shall be retained by the R&I branch for its record.

5. The unique number in the Bar Coding Slip shall be used to ascertain the exact status as to the delivery thereof through internet and print out thereof can be downloaded from the internet.
6. The branch shall take out the print of the track report as to the delivery status of the notice/communication and enclose it with the office report in a case to be placed before the concerned Court.
7. Where a notice has been issued by Registered A.D./Registered parcel and has been properly addressed but neither the unserved envelope containing the notice nor the acknowledgment has been received back for a period of thirty days from the date of issue of notice, it shall be presumed that notice has been duly served.
8. Refusal by a party or his advocate on-record or his registered clerk to accept notice shall be treated as deemed service.
9. Service of any notice, order or other document upon a party residing at a place within the territory of India may ordinarily be effected by registered post/registered parcel/speed post at his address or personally at the place where he ordinarily resides or his agent empowered to accept service, or by eMail or fax or approved courier service, if any, or through the District Judge concerned.
10. The Registrar may in a particular case or class of cases permit that the service shall be effected in the manner provided by the Code for the service of summons.
11. (a) Where *dasti* service, i.e., service through party has been directed, the party shall, unless permitted otherwise, within fifteen days of issue of *dasti*, tender the *dasti* notice to addressee in-person and obtain acknowledgment from him. In case the addressee declines to receive or acknowledge the service of notice, the party shall move the principal civil court, other than the High Court, within local limits of whom addressee resides or carries on business or personally works for gain, for service through special bailiff.
(b) The concerned court shall direct expeditious service of notice

through special bailiff and cause a report of service to be sent to the Registrar of this Court by Registered A.D./speed post, charges wherefor shall be paid by the party and forward a copy of the said report through the party, for being submitted to this Court.

- (c) Where service is to be effected by the party, he shall file an affidavit of service along with proof thereof stating the manner in which the service has been effected.
- (d) Where service has been effected through another Court, it may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.
- (e) Where the opposite party or his agent or other person on his behalf refuses to sign the acknowledgment, or where the serving officer, after using all due and reasonable diligence, cannot find the opposite party at his residence and in case the notice cannot be served in the ordinary manner, the notice shall be served by affixing a copy thereof in some conspicuous place in the Court-house and also upon some conspicuous part of the house, if any, in which the respondent is known to have last resided or carried on business or personally worked for gain, or in such other manner, as the Court thinks fit.

12. In case where notice has been directed to be served through the District Judge –

- (a) the petitioner shall furnish complete address of the District Judge within seven days; in default, the case shall be listed with office report on default.
- (b) In case particulars have been given, notice shall be sent to the District Judge along with the covering letter in 'Form A' conveying the order that service of such notice is to be effected through the concerned District Judge.
- (c) In case of *dasti* notice [by hand], the notice along with covering letter in 'Form B' shall be handed over to the petitioner so that

it may be delivered to the concerned District Judge.

The operative portion of the Forms read as under:

Form ‘A’

Whereas in the aforementioned petition, it has been ordered that the notice be served upon the Respondent No(s)....., through the District Judge concerned. Therefore, notice(s), in duplicate, is/are being sent to you for effecting service upon the Respondent No(s).....

You are requested to kindly get the notice(s) served in accordance with law and submit the service report to this Court without delay.

Yours faithfully,

Assistant Registrar

Form ‘B’

Whereas in the aforementioned petition/appeal, it has been ordered that the notice(s) be served upon the Respondent No(s) through the District Judge concerned and the petitioner has been permitted to take out the notice(s) in ‘*Dastir*’ (i.e., by hand).

You are requested to kindly get the notice(s) served in accordance with law and submit the service report to this Court without delay.

If Rules require payment of any additional fee (like special bailiff charges and petitioner seeks special bailiff), you may get the fee deposited in advance.

Yours faithfully,

Assistant Registrar

13. Where service of notice is to be effected by substituted service through publication in the newspapers, the newspapers shall be daily newspapers, in English and in vernacular language of the place, having wide circulation in the locality in which the respondent is last known to have actually and voluntarily resided, carried on business or personally worked for gain.
14. Where the opposite party is confined in jail, the notice shall be delivered to the officer in-charge of the jail for service on the said party.
15. Service of notice on the respondent/non-applicant/opposite party or where a party residing out of India has no agent or Political Agent or Court shall be served in terms of Order V of the Code.
16. In terms of Circular No. F.No. 12(77)/10-Judl. dated 18th August, 2011, issued by Ministry of L&J, Department of Legal Affairs (Judl. Section), the Department of Legal Affairs shall be the Central Authority for service of notices/summons of judicial and extra-judicial documents under the Hague Convention of 1965/Mutual Legal Assistance Treaties/Reciprocal arrangements with foreign countries in civil and commercial matters. The circular reads as under:

F.No. 12(77)/10-Judl.
Ministry of Law and Justice
Department of Legal Affairs
(Judicial Section)

Shastri Bhawan, New Delhi
Dated 18.8.2011

Office Memorandum

Sub: Service Abroad of Judicial and Extra-judicial Documents under the Hague Convention of 1965/Mutual Legal Assistance Treaties/Reciprocal arrangements with foreign countries in civil and commercial Matters--regarding.

The undersigned is directed to refer to the subject cited above and to state that this Department is the Central Authority for service of summons/notices in foreign countries under the provisions of the above Agreements.

It has been observed by this Department that a large number of documents received from the various courts are incomplete in one respect or the other and it gets quite difficult to process those documents to the foreign countries for service.

It is therefore requested to all Registrar Generals of Supreme Court/High Courts to circulate the following information to the courts within their jurisdiction with the directions to ensure the particulars of documents before sending the same to this Department:-

S. No.	Particulars of information
1.	Summons/Notices in duplicate shall be issued providing 3 months time in advance to this Department for effecting the service in foreign countries.
2.	Full address of the party and translation of the documents in the official language of requesting country wherever necessary.
3.	The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965 to an agency, Process Forward International. The Notice/summons for USA may therefore be sent directly by the Courts to Process Forwarding International, 633 Yesler Way, Seattle, WA 98104, USA along with the required fee etc. (details available at www.hcch.net).
4.	Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the

	mutual legal assistance in <u>criminal law matters</u> . Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action (as per circular no. T4410/14/2006 dated 30.04.2010 of Ministry of External Affairs).
5.	The Central Authorities in Canada are charging a cost of \$50.00 Canadian for the process of service under the Hague Convention of Service Abroad of Judicial and Extra-judicial Matters, 1965. The payment accompanying the documents to be served must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50 per request. The travellers cheque or cheque must be drawn on a <u>Canadian Bank</u> . The details may be seen at www.hcch.net .
6.	Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office. The fee could be remitted in favour of the Consulate General of India, Sydney and the details of the 'Head of Account' under which such payment has to be debited be provided for making necessary action. (details available at www.hcch.net).
7.	This Department process the service of summons/notices in civil and commercial matters issued by an Indian court for service on a person residing in a foreign country with which there is any reciprocal arrangement. The list of member State/non-member State may be seen at www.hcch.net

F.No. 12(20)/2013-Judl.
FTS No.2144/R&I/2013
No. 12(80)/2013-Judl.
Department of Legal Affairs
Judicial Section

The Notice/Summon received for processing under the provision of ‘*The Hague Convention in Civil and Commercial Matters*’ are returned herewith for the reasons as mentioned below:

Sl. No.	Particulars of information
1.	As per the experience, various foreign authorities are not entertaining our request for legal assistance in such matters if the date of appearance of respondents/hearing of case are less than three months. Due to large no. of such requests being received from various courts in India/foreign authorities, this Department also needs one-two month time in processing the requests in this department as well as the time taken by postal department. <i>Kindly issue a fresh notice/summon providing 4-5 months time in advance for effecting the service in foreign countries.</i>
2.	<i>Summons/Notices in original are not in duplicate.</i> Notice/summon in original along with the copy of petition may be provided in duplicate.
3.	Full address of the party and translation of the documents in the official language of requesting country wherever necessary (viz. in the case of China, Arabic Countries etc.)
4.	The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965

	to an agency, <u>Processing Forward International</u> , 633 Yesler Way, Seattle, WA 98104, USA. <i>The Notice/summons for service in USA may therefore be sent directly by the Courts to Process Forwarding International along with the required fee etc.</i> (details available at www.hcch.net).
5.	<i>Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the legal assistance in criminal law matters.</i> Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action (as per circular no. T 4410/14/2006 dated 30.04.2010 of Ministry of External Affairs). Please send the documents to Legal Cell, Internal Security-II Dvsn., MHA, Hall-B, floor, NDCC-II Building, Jai Singh Road, New Delhi-110001. PH-23438115/8184/8083 FAX-8045, Email- us-legal@mha.gov.in .
6.	<i>The Central Authorities in Canada are charging a cost of \$50.00 Canadian for the process of service under the Hague Convention of Service Abroad of Judicial and Extra-Judicial Matters, 1965.</i> The payment, accompanying the documents to be served, must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50. The travellers cheque or cheque must be drawn on a Canadian Bank. The details may be seen at www.hcch.net .
7.	<i>Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office.</i> The fee could be remitted in favour of the Consulate General of India Sydney and the details of the 'Head of Account' under which such payment has to be debited be provided for making necessary action. (details available at www.hcch.net).

8.	The documents as received from foreign country along with the report in original are sent herewith for taking further necessary action at your end.
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17. (a) In criminal proceedings, to compel appearance of an accused, the Court may direct issuance of warrant and other process in the manner provided by the Code.
- (b) The notice shall, if practicable, be served personally on the person concerned.
- (c) Where the person, by exercise of due diligence, cannot be found, the notice may be served by leaving it with some adult male member of his family residing with him, and the person with whom the notice is so left shall sign a receipt therefor.
- (d) If service, with due diligence, cannot be effected on the person concerned, the serving officer shall affix a copy of the notice on some conspicuous part of the house or homestead in which the person ordinarily resides and the Court, after making such inquiries as it thinks fit, may either declare the notice to have been duly served or order fresh service in such manner as it considers proper.
- (e) Where the person concerned is in the active service of the Government, the Court shall ordinarily send the notice to the head of the office in which such person is employed, who shall cause the notice to be served and send receipt to the Court under his signature with the endorsement that notice has been served.
- (f) The Court may, if it has reason to believe, that the person charged is absconding or is otherwise evading service of notice, or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, wherever required, direct a warrant, bailable or non-bailable, for his arrest,

addressed to one or more police officers or may order attachment of property.

- (g) Every warrant of arrest ordered by the Court shall be issued under the signature of the Registrar in Form No. II in Chapter XIV and shall be executed, as far as may be, in the manner provided by the Code.
- (h) The manner and mode of execution of the warrant has been given in Chapter XIV.

CHAPTER XVIII

PAPER BOOKS

1. In a main case and in relation to any application or document filed therein, unless otherwise provided, at least three copies of the paper books shall be filed.
2. If the case is referred to a larger Bench, such additional number of copies of paper books, as may be required as per the composition of larger Bench, shall be filed within one week from the date of order referring the case to a larger Bench.
3. The index of the paper books shall tally with the index of the original case file.
4. The documents for inclusion shall be sent by the Judicial branches to the paper book godown [Section IA (Annexe)], under acknowledgment, on weekly basis, except in urgent circumstances.
5. The Branch Officers of Judicial branches, shall, wherever a diary number, pursuant to the order/notice by the Court, has been converted into special leave petition or appeal number, intimate the special leave petition or appeal number, in writing, to the Assistant Registrar, in-charge of paper books godown, and send the relevant copies of Record of Proceedings for inclusion in the paper books.
6. The paper books of the cases shall not be preserved, from the date of order of disposal, for more than two months and shall be destroyed accordingly, except in the case of transfer petitions, which shall be destroyed after one month from the date of disposal.
7. The paper books shall be maintained properly and dust-free.
8. No documents for circulation shall be accepted on working days after 4:00 p.m., except on Saturday after 12.00 noon, for the cases listed on the following working day.

9. No request for supply, or copy, of paper book shall be accepted, except in accordance with Order XIII of the Rules.
10. Green tags with 'plastic ends of 1' shall be used in the paper books.
11. The inclusion of documents in the paper-books shall be accepted in Section 1A (Annexe) as per the following schedule:

Monday

- | | | |
|-----|---|-------------------------------|
| II | - | from 10.30 a.m. to 12.00 noon |
| IIB | - | from 12.00 noon to 1.00 p.m. |
| IIC | - | from 2.30 p.m. to 3.30 p.m. |
| IV | - | from 3.30 p.m. to 4.30 p.m. |

Tuesday

- | | | |
|-----|---|-------------------------------|
| IIA | - | from 10.30 a.m. to 12.00 noon |
| III | - | from 12.00 noon to 1.00 p.m. |
| IVB | - | from 2.00 noon to 3.00 p.m. |
| IX | - | from 3.00 p.m. to 4.00 p.m. |

Wednesday

- | | | |
|-----|---|-------------------------------|
| IVA | - | from 10.30 a.m. to 12.00 noon |
| X | - | from 12.00 noon to 1.00 p.m. |
| XI | - | from 2.00 p.m. to 3.30 p.m. |

Thursday

- | | | |
|------|---|-------------------------------|
| XVII | - | from 10.30 a.m. to 12.00 noon |
| XVIA | - | from 12.00 noon to 1.00 p.m. |
| XIV | - | from 2.00 p.m. to 3.30 p.m. |
| XIA | - | from 3.30 p.m. to 4.30 p.m. |

Friday

- | | | |
|------|---|-------------------------------|
| XV | - | from 10.30 a.m. to 12.00 noon |
| XIIA | - | from 12.00 noon to 1.00 p.m. |
| IIIA | - | from 2.00 p.m. to 3.00 p.m. |
| PIL | - | from 3.00 p.m. to 4.00 p.m. |

Saturday

XII	-	from 10.30 a.m. to 11.30 a.m.
XVI	-	from 11.30 a.m. to 12.30 p.m.

General

1. The Assistant Registrar and the Branch Officer shall ensure that circulation of documents shall be sent to the Paper Books branch as soon as they are ready for circulation and shall not send the whole circulation together at the eleventh hour.
2. In case any additional documents have been received in a case which has appeared in the advance list or final list, such documents shall be sent to the Paper Books branch with the remark “The matter has appeared in the advance list or final list”. In case the paper books are in the custody of Paper Books branch, such documents shall be included forthwith, otherwise they shall be sent by way of circulation.
3. Letters for adjournment shall be sent for circulation only in cases which have appeared in the final cause list.
4. The Record of Proceedings or other documents shall specifically mention the Court number, item number and date of listing at the top right corner of such documents, if the case has appeared in the final cause list.
5. *De hors* the schedule, any Judicial branch can send any Record of Proceedings or documents for inclusion between 3.30 p.m. and 4.30 p.m. on Wednesday.
6. A dealing Assistant shall, expeditiously but not later than three days, ensure that Record of Proceedings/orders or other documents, sent by the Judicial branches, are included in the Paper Books.
7. Whenever any document is received for inclusion in the Paper Books branch, under acknowledgment, it shall be the responsibility of the branch to include the document in the concerned paper books.

8. A document, Record of Proceedings or order once circulated shall not be sent again for inclusion by the Judicial branches.
9. Inclusion of documents shall be done carefully, preferably with the help of punching machine and paper cutters so that the shape and size of the paper books are not disturbed and the documents included do not come out of the paper books.
10. The paper books shall be sent as per schedule/directions given by the Judges. The Branch Officer or dealing Assistant, as the case may be, shall confirm the receipt of the paper books or documents from the secretariat of the Judges.

CHAPTER XIX

JUDGMENT, DECREE, ORDER AND REPORT

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their advocates on-record, and the decree or order shall be drawn up in accordance therewith.
2. A member of the Bench may read a judgment prepared by another member of the Bench.
3. Subject to the provisions relating to review contained in Order XLVII of the Rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, except for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

A judgment, decree or order may also be corrected in the like manner under Section 152 of the Code.

4. Every decree passed or order made by the Court shall be drawn up in the Registry and be signed by the Additional Registrar/Deputy Registrar and sealed with the seal of the Court and shall bear the same date as the judgment in the suit or appeal.
5. The decree passed or order made by the Court in every appeal and any order for costs in connection with the proceedings therein shall be transmitted by the Registrar to the Court appealed from and steps for enforcement of such decree or order shall be taken in that Court in the manner prescribed by law.
6. Orders made by the Court in other proceedings shall be transmitted by the Registrar to the Judicial or other authority concerned to whom such orders are directed and any party may apply to the Judge in Chambers that any such order, including an order for payment of costs, be transmitted to any other appropriate Court or other authority for enforcement.

7. In case of doubt or difficulty with regard to a decree or order made by the Court, the Additional Registrar or Deputy Registrar, as the case may be, shall, before issuing the draft, submit the same to the Court.
8. Where the draft of any decree or order is required to be settled in the presence of the parties or where the parties require it to be settled in their presence, the Registrar or Additional Registrar or Deputy Registrar shall, by notice in writing, require the parties to appear before him on a day and time specified and to produce the briefs and such other documents, as may be necessary, to enable the draft to be settled.
9. Where any party is dissatisfied with the decree or order, as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court, which shall not exceed ninety days from the date of order of the Registrar failing which the Registrar shall proceed to settle the decree.
10. Where any judgment or order of the Bench contains any direction for circulation of such judgment or order amongst the High Courts or any authorities or require that the matter be placed before the Chief Justice, the matter shall be placed before the Registrar (J-I) for compliance.
11. (i) A copy of every reportable judgment or order, unless otherwise directed, be supplied to:
 - (a) the Editor/Assistant Editor for the purpose of Headnotes in Supreme Court Reports;
 - (b) Bar Library;
 - (c) Judges Library;
 - (d) secretariat of the Judges of the Bench (two copies each);
 - (e) concerned Judicial branch for case files (in case of civil, criminal and death cases; two, four and six copies respectively);

- (f) Parliament House; and
 - (g) Ministry of Law & Justice, Shastri Bhawan.
 - (h) Centre for Research & Planning, Supreme Court of India
- (ii) A certified copy of the judgment or final order shall be sent, either in physical or electronic form, under the signature of the Assistant Registrar of the concerned Judicial branch--
- (a) to the Court appealed from;
 - (b) in criminal cases where the accused is not in Jail, to the Court wherefrom the accused had furnished bail;
 - (c) in criminal cases where the person is in Jail, to the Officer in-charge of the Jail for his record;
 - (d) in criminal cases where the person is in jail and conviction has been maintained, to the person through the Officer in-charge of the Jail;
 - (e) in criminal cases, first copy be given to the accused without any fee;
 - (f) in writ cases, to the concerned authorities impleaded as parties;
 - (g) in election petitions, to the Central Government for publication in the official gazette;
 - (h) in Reference, a Report to the President or the Governor, as the case may be;
 - (i) in Reference made by the Central Government or Statutory Tribunals under Statute, to the Central Government or Statutory Tribunal, as the case may be.
12. A copy of the Judgment (reportable and non-reportable) be issued to the journals on payment of prescribed charges/annual token fee.

CHAPTER XX CERTIFIED COPIES

1. A party to a proceeding in the Supreme Court shall be entitled to apply for and receive certified copies of all pleadings, decrees or orders, documents and deposition of witnesses made or exhibited in the said proceeding at his expense.
2. A person, who is not a party to the case, appeal or matter, pending or disposed of, may apply to the Judge in Chambers in terms of Order VIII, Rule 6(1) read with Order V Rule 2(37) of the Rules for supply of copies other than orders/judgments, who, on good cause shown, may allow such person to receive such copies as is or are mentioned in the last preceding clause.
3. An application for ‘certified copy’ or unauthenticated ‘copy’ may be presented in Form No. 29 and a copy be given to:
 - (i) advocate on-record;
 - (ii) party, even if represented by an advocate on-record;
 - (iii) party in-person;
 - (iv) advocate, other than the advocate who argued the case, whose name is shown in the Record of Proceedings; and
 - (v) advocate, duly authorized by the advocate on-record in the case.
4.
 - (a) A party may apply by post or eMail to the Registrar (Copying Section) giving full particulars of the case along with the requisite copying fee for urgent/ordinary delivery and postal charges, wherever required.
 - (b) A non party can apply for certified or unauthenticated copy of judgments/orders by moving an application in prescribed Form 29 along with affidavit as mentioned therein.
5.
 - (a) An application for certified or unauthenticated copy presented at the Copying branch or sent by Post or eMail, shall be scrutinised by the dealing Assistant and in case it is found to be defective, defects shall be notified on the official website

and through SMS, if phone number is given, by Post or eMail, as the case may be.

- (b) If the application is found to be in order, it shall be registered and allotted a number. The dealing Assistant shall forthwith issue a receipt therefor. Such receipt shall, *inter alia*, indicate the registration number of the application and the date on which the certified copy is likely to be ready.
6. On every copy after it is prepared, the following shall be entered:
- (a) application filed on;
 - (b) the date given to receive copy;
 - (c) date on which copy is made ready; and
 - (d) the date on which the copy is received by the applicant or sent to the applicant.
7. (i) The fee and charges for obtaining certified copy or unauthenticated copy shall be as under:
- (a) Re.1/- per folio;
 - (b) Rs.5/- for urgent copy;
 - (c) Rs.10/- for certification;
 - (d) Rs. 5/- in case of application made by a third party;
 - (e) Rs. 22/- for postal charges (minimum) in case the request is received by registered post or eMail;
- (ii) The copies have been classified into following categories:
- (a) A1- urgent certified copy
 - (b) A2 - urgent unauthenticated copy;
 - (c) B - ordinary certified copy; and
 - (d) C - ordinary unauthenticated copy.
8. A party can apply for certified or unauthenticated copy of the kind mentioned in clause (1) of this Chapter during the working hours on all working days of the Registry.
9. An accused person shall not be required to pay copying charges, except for copies other than the first.

10. A copy of Record of Proceedings, judgment or order is issued within a day on urgent basis, whereas ordinary copy is issued within three days from the date of registration of the application.
11. Copies of the documents shall be given within seven days from the date of registration of the application or receipt of documents from the concerned Branch, as the case may be.
12. Every certified copy shall be certified by the Assistant Registrar/Branch Officer or such other officer, as may be authorized in that behalf by the Registrar, to be true copy of the original and shall be sealed with the seal of the Court in accordance with Rule 6 of Order III of the Rules.
13. (a) No certified copy shall be given of any registered document or of a document which is itself a 'copy' of the original document. However, if such a document is a copy annexed with any petition/appeal/application/reply or any other pleading presented in Court, then a 'copy' may be issued.
(b) Any copy other than certified copy shall bear an endorsement that 'it is not a certified copy'.
14. Notwithstanding anything contained in Order XIII of the Rules, no party or person shall be entitled as of right to receive copies of or extracts from any minutes, letter or document of any confidential nature or any paper sent, filed or produced, which the Chief Justice or the Court directs to keep in sealed cover or considers to be of confidential nature or the publication of which is considered to be not in the interest of the public, except under and in accordance with an order specially made by the Chief Justice or by the Court.
15. The functioning of the Copying branch shall be regulated as per the guidelines and directions issued by the Chief Justice from time to time.

16. (a) Where an application for certified or unauthenticated copy is sent by post or eMail, the prescribed fee/charges shall be remitted by postal order/demand draft in favour of Registrar, Supreme Court of India.
- If, on receipt of an application by post or eMail, the amount is found to be deficient, the applicant shall be informed by post or eMail, as the case may be, to make good the deficient fee/charges.
- (b) An application received by post or eMail, shall be acted upon only after receipt of the prescribed fee/charges.
- (c) On receipt of the prescribed fee/charges by post, court fee shall be purchased and affixed on the application.
- (d) If the defects are not removed within twenty eight days from the date of communication of the defects, the application shall be filed by the Registrar and the Postal Order/Demand Draft may be returned to the applicant, at his expense.
- (e) Where the defects are removed within the period stipulated, the Copying branch shall proceed to prepare the certified or unauthenticated copy applied for and despatch it by registered post at the address given in the application.
17. Where a certified copy of a digitally signed judgment or order, transmitted to the main server of the Court, has been applied for, the dealing Assistant shall access the same and shall prepare the certified or unauthenticated copy.
18. As regards documents, the dealing Assistant shall prepare photocopies of the documents applied for, if a scanned copy thereof is not available, and after completing the formalities, certified copy or unauthenticated copy, as the case may be, shall be prepared and issued.

19. No certified copy shall contain the signature of the Judges. Care shall be taken especially to mask the signatures of the Judges while scanning or preparing a photocopy from the original document containing such signatures.
20. A certified or unauthenticated copy, when ready, shall be delivered to the applicant or a person authorized by him, under acknowledgment.
21. The Copying Branch shall maintain a register and accounts in respect of all the applications presented or sent by post or eMail.

General

1. No certified or unauthenticated copy of an *ex parte* interim order shall be issued to a petitioner/appellant, unless he produces the proof of filing of process in the case.
2. If a party or advocate on-record desires to obtain a copy of the proceedings of the Court on the same day, he may file the requisite application with correct particulars in that behalf before 11.00 a.m. affixing the prescribed fee/charges.

CHAPTER XXI RECORDS

Inspection or Search

1. A party to any cause, appeal or matter, subject to the provisions of the Rules, may apply in Form No.36 to the concerned Registrar and shall be allowed to search or inspect records in the case, on payment of the prescribed fee and charges.
2. Any person, who is not a party to the case, appeal or matter, may make an application for inspection or search before the Judge in Chambers under Order V Rule 2(37) of the Rules.
3. (a) A search or inspection, in a pending case, shall be allowed only in the presence of an officer of the Court and after twenty four hours' notice in writing to the parties, who have appeared.
(b) The copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.
4. A party or his advocate on-record or an advocate duly authorised by him, or party in-person to any cause, appeal or matter, whether pending or disposed of, may be allowed to search or inspect the records.
5. (a) The inspection of the records of a pending case shall be done in the concerned Judicial branch and, in a disposed of case, in the Record Room. The inspection may be permitted under the orders of the Branch Officer.
(b) In case of original records, the inspection or search shall take place in the branch having the custody of such records.
6. A register shall be maintained by the Branch Officer and every person seeking search or inspection shall, beforehand, enter necessary particulars therein.
7. During search or inspection, no pen or ink shall be used and pencil and paper may be used and no marks shall be made on any record or papers inspected. Any violation would deprive the person to inspect

such records for such period, as the Registrar may direct.

8. The fee for search or inspection by means of court fee shall be Rs.50/-, which shall be non-refundable.
9. The inspection shall be done within one week from the date on which inspection has been ordered and, in default, the order shall lapse and no inspection shall be permitted without a fresh application.

Reconstruction

1. It shall be ensured that record of a case is not lost or misplaced or mutilated by rodents, termites or otherwise.
2. Where a record is lost, misplaced or mutilated, either fully or partially, from the custody of any officer or official of the Registry, the matter shall immediately be reported to the Registrar.
3. Any delay in reporting matter to the Registrar may invite adverse inference.
4. The Registrar shall cause such report to be circulated amongst all the officers and officials of the Judicial branches of the Registry. If such record is in the possession of any officer or official of the Registry, he shall immediately intimate the Registrar.
5. Every possible effort shall be made to trace the record.
6. Where the record could not be traced, the Registrar shall record a finding that the record has been lost, misplaced or mutilated, fully or partially. The matter shall then be placed before the Chief Justice for appropriate orders, including orders for part or full reconstruction of such record.
7. Where reconstruction of the record relates to the Court, it shall be reconstructed by the Registrar and where it relates to the High Court or lower Court, it shall be reconstructed by the Registrar of the High Court or Presiding Officer of the lower Court under the supervision of the District Judge, as the case may be.

Preservation and Destruction

1. There shall be an index of the record in every case in the form prescribed below --

Index of Papers
in
Civil Appeal No. _____ of _____ (or Criminal
Appeal No. _____ or Petition No. _____ or Suit
No. _____)

Cause Title

Serial No.	Date of filing the paper in the record	Description of paper	No. of the part to which it belongs	Remarks

2. The record in each case shall be divided into two parts, Part I to be preserved permanently in physical, digitized, scanned, microfilmed or such other form as may be decided by the Chief Justice and Part II to be preserved for the period as hereinafter provided.
3. Each paper in the record shall be numbered and entered in the Index. On the first page at top right corner of the document, the part shall be specified to which it will belong.
4. (a) The period for preserving the record shall be reckoned from the date of the final decree or order and in case an application for review is filed from the date of the final decree or order made on review:
Provided that where an order is to be given effect on a future date mentioned in the order, the period shall be reckoned from that future date.

- (b) In the case of registers, the period shall be reckoned from the date of last entry in the register.
- 5.
 - (a) The record of admission hearing cases, including cases for preliminary hearing, affidavits in opposition, rejoinder affidavits and documents (except original documents), if any, and such like cases may not be retained beyond one year of their disposal.
 - (b) Only the index of documents filed, original documents and the order disposing of the case may be preserved permanently and the rest of the papers be discarded and destroyed.
- 6. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being preserved permanently.
- 7. Records which do not fall under Part I or Part II, as classified below, shall be referred to the Registrar, who shall decide the Part under which they should be included.
- 8. When any record is ripe for destruction, it shall be effectively shredded and the shredded strips may be disposed of as waste and the sale proceeds shall be credited to the Central Government.
- 9. As soon as the record is destroyed, a note shall be made in the index that the record has been destroyed as also the date of destruction by the Branch Officer.
- 10. A register of records destroyed shall be maintained by the Branch Officer and all entries regarding destruction shall be made therein.

PART I

The following papers shall be included under Part I:

- 1. Index.
- 2. Judgment.
- 3. Decree or Order.
- 4. Pleadings (Plaint, written statement, set off and counter claim).

5. Petition of appeal, reply in petition of appeal and rejoinder to the reply, with such annexures as are original documents.
6. Statement of Case.
7. Original petitions including admitted special leave petition and Article 32 petitions, objection/reply to the notice and rejoinder to the reply, with such annexures as are original documents.
8. Reference received under Article 143.
9. Reference received under Article 317(1) or under any Statute.
10. Memorandum of compromise, award of arbitrators, which results in a decree.
11. Original documents.
12. Papers of historical, sociological, scientific or archival value and such other papers, as in the opinion of the Court or the Registrar should be permanently preserved.
13. Served summons and notices.
14. Acknowledgments(s) of receipt of summons and notices by the respondent(s)/opposite party(ies).
15. Affidavit of service, if any, filed under Rule 5, Order LIII of the Rules.
16. Any other document evidencing the service of summons and notices on the respondents(s)/opposite party(ies).

Registers

1. Registers of suits, civil and criminal appeals, petitions under Article 32, special leave petitions, special references and miscellaneous petitions.
2. Rolls of advocates and enrollment files.

PART II

The following papers shall be included in Part II and shall be destroyed after the period indicated below:

- | | |
|---|----------|
| 1. Appearance, power of attorney and Vakalatnama. | One year |
| 2. Affidavits. | One year |
| 3. Taxation files including bills of costs. | One year |
| 4. Register of bills of costs. | One year |

5.	Despatch register.	One year
6.	Applications for condonation of delay and such other formal application	One year
7.	Correspondence in cases.	One year
8.	“Unclaimed documents other than original documents”	One year
9.	Office notes in the case files	One year
10.	Copies of Unserved summons and notices.	One year
11.	Copying register.	One year
12.	Surplus copies of printed records, and of pleading and petitions	One year
13.	Minutes Book of the Judge to be destroyed by burning on the laying down of office by the Judge unless the Judge desires to retain them in his personal custody.	One year

CHAPTER XXII

PAYMENT INTO AND OUT OF COURT OF SUITORS' FUNDS

1. Any amount directed to be paid into the Court to the credit of any case shall be paid into the UCO Bank, Supreme Court Compound, New Delhi (or any other Nationalised Bank(s), as may be directed by the Chief Justice from time to time) into an account entitled 'Government Account-P-Deposits and Advances-II Deposits Not Bearing Int.-(c) other Deposits A/cs.-Deptl. and Judicial Deposits-Civil Deposits-Civil Court Deposits'.
2. The Registrar may, in appropriate cases, authorise the acceptance of moneys by demand drafts, banker's cheques or pay orders issued in favour of the Registrar and payable in Delhi or New Delhi by a Nationalised/Scheduled Bank and direct that the said amount be deposited with the Bank. On encashment, the date of tender in such cases shall be deemed to be the date on which such draft, cheque or pay order has been presented for encashment:

Provided that such tender by demand draft, banker's cheque or pay order has been made a day prior to the due date.
3. A Lodgment Schedule in Form No.25 shall be presented by the person ordered to pay money into Court to the Branch Officer of the Accounts branch for issue of a challan to enable him to make the payment into the Bank. It shall be accompanied by a copy of the order directing the payment or shall bear a certificate from the Registrar endorsed thereon the amount to be paid and the time within which the payment is to be made.
4. (a) On presentation, a challan, in duplicate, specifying the amount and the date within which payment is to be made but, in no case exceeding ten days from the date of issue of the challan, shall be issued by the Branch Officer to such party, who shall present the same at the Bank and make the payment.

- (b) On receiving payment, a copy of the challan duly signed and dated, acknowledging the receipt of the money shall be returned to the person making the payment.
 - (c) The Bank shall not accept the payment if the amount is tendered beyond the date mentioned in the challan as the last date for payment.
- 5. On production of the copy of the challan acknowledging payment, a credit entry shall be made in the books maintained by the Accounts branch for the said amount. A receipt signed by the Registrar shall be issued to him and the said challan shall be retained in the branch.
- 6.
 - (a) The Branch Officer shall keep a register causewise in respect of all money, effects and securities. The purpose of deposit and the orders of attachment received, if any, of the funds shall be duly entered in the register.
 - (b) No money shall be paid out of the funds in Court without an order of the Court.
- 7. An application shall be made to the Court for payment out of Court. It shall be accompanied by a Certificate of Funds signed by the Registrar showing the amount standing to the credit of the case, from which payment out of Court is sought and the claims and attachments, if any, subsisting thereon on the date of the certificate.
- 8.
 - (a) If the Court makes an order in favour of a party, he shall apply to the Registrar for payment in accordance with the said order, who shall issue an order for payment in the prescribed form. The payment order shall be endorsed at the same time on the original challan received from the Bank.
 - (b) The payment order together with the challan duly endorsed for payment shall be handed over to such party, who shall present the same to the Pay and Accounts Officer, Supreme Court of India, New Delhi, and obtain payment.

- (c) Where, however, the entire amount of the challan or the entire balance remaining unpaid thereunder is not to be paid out to such party, the original challan shall not be handed over to him, but only a copy thereof endorsed for payment shall be given to him for presentation to the Pay and Accounts Officer, the original challan being retained in the Accounts branch until the funds are fully paid out.
- 9. Where a party seeks payment of the moneys or securities paid to the Registrar or deposited with him, a commission will be recovered from it at the rate of one per cent and two per cent respectively on the principal amount and the interest drawn on the invested money, subject to the maximum of Rs. 15,000/-.
- 10.
 - (a) The Branch Officer, shall check and tally the accounts maintained in the branch every month with the monthly statements of receipts and payments to be received from the Pay and Accounts Officer.
 - (b) The Registrar shall certify under his signature every month that the accounts have been duly checked and tallied.
- 11. Fees of Rs. 250/- for registration of an advocate on-record shall be paid into the Bank to the credit of an account entitled 'XXI-Administration of Justice Receipts of the Supreme Court'.
- 12. Fees of Rs. 100/- shall be payable for registering a clerk of an advocate or a firm of advocates.
- 13. Fees of Rs. 50/- shall be payable, on requisition, for issue of an identity card in substitution of one that is lost or damaged.
- 14. Where a party seeks photograph copies or copies of maps filed in any case, he shall pay the actual charges to be incurred in cash for the same.

15. (a) In a disposed of case in which the amount has been deposited, the concerned Judicial branch shall immediately inform the Cash and Accounts-II branch by supplying the copy of the order so that the requisite information can be updated in the records of the branch.
 - (b) The list of unclaimed deposits lying in the Suitors' Fund shall be uploaded on the official website, on monthly basis, so as to enable the claimants to present an application seeking payment out of moneys in Court within a period of one month from the date of disposal of the case.
 - (c) Where neither of the parties approach the Court for refund/withdrawal of the amount forming part of the Suitors' Fund within six months from the date of disposal of the case, such cases with Office Report for Direction shall be placed before the Judge in Chambers.
16. Where an application or a request is not made by the party or his advocate on-record for release of the Bank Guarantee or security, a letter shall be sent to the concerned advocate on-record and the party to make such application or request. If no reply is received within the period stipulated therein, Office Report for Direction shall be placed before the Court.

General

Wherever the Court directs withdrawal of the amount in favour of a party, the said party may apply to the Registrar for release of the amount in terms of the said direction and no formal application therefor be made.

CHAPTER XXIII

DISTRIBUTION OF WORK ON JUDICIAL SIDE

SECTION	ALLOCATION OF WORK
I, IA and IA Annexe	Custodian of paper books of admission and regular hearing cases; maintenance of paper books; and despatch of paper books to the residential offices of Hon'ble Chief Justice of India and Hon'ble Judges.
IB	<p>Filing of Cases, its scrutiny, categorisation, registration, filing of miscellaneous documents, scanning of fresh cases filed in the Court, etc.</p> <p>Extension counter looks after processing of fresh admission cases for listing before the Court, including preparation of office reports, except in cases where notice has been issued or where cases have been admitted for hearing.</p>
Listing	Listing of Cases.
Copying copying@sci.nic.in	Issue of certified copies of orders, documents, etc.
Scanning Cell	Scanning of disposed of cases.
Editorial	Preparation of copies of judgments/orders, preparation of headnotes for, and publication of, Supreme Court Reports, accreditation of legal correspondents.
Judges' Library	Work relating to purchase, receipt and issue of books/literature/articles to Hon'ble Chief Justice of India, Hon'ble Judges and Courts.
Elimination	Work relating to all fresh admission hearing cases, which have been dismissed <i>in limine</i> .
II	Death Cases, Criminal Appeals, Petitions for Special Leave to Appeal and Jail Petitions from

	<p>the States of Assam, Arunachal Pradesh, Manipur, Meghalaya, Nagaland, Sikkim and Tripura, Andhra Pradesh, Telengana, Rajasthan and Uttar Pradesh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IIA	<p>Death Cases, Criminal Appeals, Petitions for Special Leave to Appeal and Jail Petitions from the States of Bihar, Jharkhand, Madhya Pradesh, Maharashtra, Goa, Union Territory of Dadra and Nagar Haveli, Daman and Diu.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IIB	<p>Death Cases, Criminal Appeals, Petitions for Special Leave to Appeal and Jail Petitions from the States of Punjab, Haryana, West Bengal, Gujarat, Kerala Odisha, Uttarakhand, Union Territories of Andaman and Nicobar Islands and Chandigarh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IIC	<p>Death Cases, Criminal Appeals, Petitions for Special Leave to Appeal, Jail Petitions from the States of Chhattisgarh, Delhi, Himachal Pradesh, Jammu and Kashmir, Karnataka, Tamil Nadu and Union Territory of Puducherry.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
III	<p>Petitions for Special Leave to Appeal and Civil Appeals relating to the State of Gujarat.</p>

	<p>Civil Appeals from 2013 onwards relating to the State of Maharashtra, Goa and Union Territory of Dadra and Nagar Haveli, Daman and Diu.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IIIA	<p>Civil Appeals from the State of Uttar Pradesh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IV	<p>Civil Appeals from the States of Punjab, Haryana and Union Territory of Chandigarh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IVA	<p>Petitions for Special Leave to Appeal from the States of Karnataka, Madhya Pradesh and Chhattisgarh.</p> <p>Civil Appeals from the States of Karnataka and Chhattisgarh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
IVB	<p>Petitions for Special Leave to Appeal from the States of Punjab, Haryana and Union Territory of Chandigarh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
V/VI	<p>Maintenance of Original Records.</p> <p>Appointment of Translators and Translation of vernacular documents.</p> <p>Rolling of Cause Lists.</p>

VII [R & I]	Receipt and Issue of Dak, including letters/orders/notices, etc.
VIII [Record Room]	Maintenance of disposed of cases, Advocate-on-Record Examination, Designation of Senior Advocates and Amendment of Supreme Court Rules.
IX	<p>All Petitions for Special Leave to Appeal and Civil Appeals upto the year 2012 from the States of Maharashtra, Goa and Union Territory of Dadra and Nagar Haveli, Daman and Diu.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
X	<p>Writ Petitions relating to infringement of fundamental rights under Part-III of the Constitution.</p> <p>Petitions for Special Leave to Appeal and Civil Appeals from the State of Uttarakhand.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
XI	<p>Petitions for Special Leave to Appeal from the State of Uttar Pradesh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
XIA	<p>Petitions for Special Leave to Appeal and Civil Appeals from the States of Kerala, Odisha and Union Territory of Lakshadweep.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>

XII	<p>Petitions for Special Leave to Appeal and Civil Appeals from the States Tamil Nadu and Union Territory of Puducherry.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
XIIA	<p>Petitions for Special Leave to Appeal and Civil Appeals from the States of Andhra Pradesh and Telengana.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
XIII	Preparation of Decrees of the cases allocated to Sections X, XI, XIA, XII, XIIA, XIV, XVI and XVIA.
XIIIB	Preparation of Decrees of the cases allocated to Sections IV, IVA, X, XV and XVII.
XIV	<p>Petitions for Special Leave to Appeal and Civil Appeals from the States of Assam, Arunachal Pradesh, Manipur, Meghalaya, Nagaland, Sikkim, Tripura, Delhi and Himachal Pradesh.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
XV	<p>Petitions for Special Leave to Appeal and Civil Appeals from the State of Rajasthan.</p> <p>Review Petitions and Curative Petitions arising therefrom.</p>
XVI	Petitions for Special Leave to Appeal and Civil Appeals from the States of Bihar, West Bengal and Union Territory of Andaman and Nicobar Islands.

	Review Petitions and Curative Petitions arising therefrom.
XVIA	Arbitration Petitions, Transfer Petitions, Transferred Cases from all over India and Petitions for Special Leave to Appeal and Civil Appeals from the State of Jammu and Kashmir. Review Petitions and Curative Petitions arising therefrom.
XVII	Petitions for Special Leave to Appeal and Civil Appeals from the State of Jharkhand; Election Petitions; Petitions for Special Leave to Appeal and Appeals arising under various Statutes; References; Original Suits; and <i>Suo Motu</i> Petitions. Review Petitions and Curative Petitions arising therefrom. Issue relating to Security Refund, Bill of Costs, Taxation, etc.
PIL(W)	Writ Petitions relating to public interest litigation.
PIL (English)	Letter Petitions.
Computer Cell	Computerisation and generation of Cause Lists.

Email: supremecourt@nic.in

EPBAX Numbers: 011-23388922-24, 23388942

FAX: 011-23381508, 23381584

CHAPTER XXIV

REMOVAL OF DIFFICULTIES

In case of any difficulty in relation to the Practice and Procedure of the Court and Office Procedure or other matters incidental or ancillary thereto, the Chief Justice may make such order, as may be necessary and expedient for removal of such difficulty.

CHAPTER XXV
FIRST SCHEDULE
RULES AS TO PRINTING OF RECORD

1. The record in appeals to the Court shall be printed in the form known as demy quarto on both sides of the paper with single spacing.
2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be about 11 inches in height and 8^{1/2} inches in width or 29.7 cm. in height and 21 cm. in width.
3. The type to be used in the text shall be pica type but “Long Primer” shall be used in printing accounts, tabular matter and notes. Every tenth line shall be numbered in the margin.
4. Records shall be arranged in two parts in the same volume, where practicable, viz.--

Part I- The pleadings and proceedings, the transcript of the evidence of the witnesses, the judgments, decrees, etc., of the Courts below, down to the orders admitting the appeal.

Part II- The exhibits and documents.

5. The Index to Part I shall be in chronological order, and shall be placed at the beginning of the volume.

The Index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the Index to Part I.
6. Part I shall be arranged strictly in chronological order, i.e., in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Court, as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order, mixing plaintiff's and defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as:-

- (a) a series of correspondence, or
- (b) proceedings in a suit other than the one under appeal, shall be kept together. The order in the record of the documents in Part II will probably be different from the order of the Index, and the proper page number of each document shall be inserted in the printed Index.

The parties will be responsible for arranging the record in proper order for the Court, and in difficult cases counsel may be asked to settle it.

- 7. The documents in Part I shall be numbered consecutively. The documents in Part II shall not be numbered, apart from the exhibit mark.
- 8. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document in the Index, without the date.
- 9. Each document shall have a heading which shall be repeated at the top of each page over which the document extends, viz.--

PART I

- (a) Where the case has been before more than one court the short name of the court shall first appear. Where the case has been before only one court, the name of the court need not appear.
- (b) The heading of the document shall then appear consisting of the number and the description of the documents in the Index, with the date, except in the case of oral evidence.
- (c) In the case of oral evidence, 'plaintiff's evidence' or 'defendant's evidence' shall appear next to the name of the court and then the number in the Index and the witness's name, with 'examination', 'cross-examination' or 're-examination', as the case may be.

PART II

The word 'Exhibit' shall first appear next to it the exhibit mark and the description of the document in the Index with the date.

Sufficient space shall be left after the heading to distinguish it from the rest of the matter printed on the page.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the Index and the record), if desired, with the words 'not printed' against it.

A long series of documents, such as accounts, rent rolls, inventories, etc., shall not be printed in full, unless counsel advises, but the parties shall agree to short extracts being printed as specimens.

11. In case where maps are of an inconvenient size or unsuitable in character, the appellant shall, in agreement with the respondent, prepare maps drawn properly to scale and of reasonable size, showing as far as possible, the claims of the respective parties, in different colours.

SECOND SCHEDULE FEES PAYABLE TO ADVOCATES Part I

S. No.		Fee on brief not exceeding Rs.		Refresher not exceeding Rs.
1.	Defended appeals, suits or reference under Article 143 or Article 317(1) of the Constitution or under any Statute or defended petitions under Article 32 of the Constitution.	Leading Counsel	24,000	24,000

		Associate Advocate, if any Advocate-on-Record for instructing.	12,000	6,000
2.	Undefended appeals.	One fee	14,000	No refresher
3.	Petitions for special leave (or appeals on a certificate heard <i>ex-parte</i>).	Leading Counsel	8,000	No refresher
		Advocate-on-Record when not pleading but only instructing.	4,000	No refresher
4.	Undefended petitions under Article 32 of the Constitution	Leading Counsel	15,000	7,500
		Advocate-on-Record when not pleading but only instructing	8,000	4,000
5.	Notices of motion other than petitions under Article 32 of the Constitution when opposed.	Leading Counsel	15,000 per appearance	No refresher
		Advocate-on-Record	8,000 per appearance	No refresher
6.	Petitions in courts for review.	Leading Counsel	15,000	No refresher
		Advocate-on-Record	10,000	No refresher
7.	Opposed applications for investigations in Chambers.	One fee	10,000	
8.	Unopposed motions and Chamber applications and review applications in taxation.	One fee	5,000	
9.	Attending taxation or hearing judgment.	One fee	2,500	
10.	Attending settlement of Index and for taking other steps for preparation of the record.	One fee	5,000	

11.	Fee to the <i>Amicus Curiae</i> appointed by the Court.		6,000 upto admission stage and 10,000 on final disposal stage or hearing on regular side after admission/grant of leave, or as directed by the Court/Chief Justice.
12	Fee to the Panel Advocate appointed by the Registry.		6,000 upto admission stage and 10,000 on final disposal stage or hearing on regular side after admission/grant of leave, or as directed by the Court/Chief Justice.

Part II

S.No.		Not exceeding (Rs.)
1.	To junior advocate for drafting petitions for special leave and petitions under Article 32 of the Constitution inclusive of the affidavits in support of the petition.	12,000
	To the senior for settling petitions for special leave and petitions under Article 32 of the Constitution inclusive of the affidavits in support of the petition.	10,000
2.	To junior advocate for drafting other petitions or affidavits (other than formal petitions like petitions for excusing delay and affidavits in them and affidavits of service) or written briefs.	5,500
	To senior advocate for settling other petitions or affidavits (other than formal petitions like excusing delay and affidavits in them and affidavits of service).	7,500
3.	To junior advocates for drawing statement of case in appeals, pleadings in suit or special case.	12,000
	To senior advocate for settling statement of case in appeals, pleadings in suit or special case in consultation with junior, if allowed.	18,000
4.	Acting Fees -	
	In appeals (defended and undefended) including	20,000 but not less than

	suits and References under Article 143 or Article 317(1) of the Constitution or under any statute or defended petitions under Article 32 of the Constitution.	12,000 as the Taxing Officer may in his discretion allow, having regard to the nature and duration of the 'Acting' work involved in the case.
	In undefended petitions under Article 32 of the Constitution.	10,000
	Actual postal and telegraph charges where necessary to be allowed in the discretion of the Taxing Officer.	

Part III

1	Printing of paper book	Actual cost at a reasonable rate to be allowed by the Taxing Officer
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THIRD SCHEDULE TABLE OF COURT FEES

Part I Original Jurisdiction

S.No.		Rs.
1.	Filing and registering plaint	2500
2.	Filing and registering written statement	500
3.	Filing and registering set-off or counter-claim	500
4.	Reply to a counter-claim	500
5.	Petitions under Article 32 of the Constitution other than petitions for <i>habeas corpus</i> and petitions arising out of criminal proceedings	500

Part II Appellate Jurisdiction

S.No.		Rs.
1.	Petition for special leave to appeal other than petitions for which Court fee has been distinctly prescribed in entry 2 below.	1,500 [At the time of institution]
2.	Petition for special leave to appeal in the matters falling	5,000

	in any of subject categories mentioned in Part IV of this Schedule	[At the time of institution]
3.	<p>Lodging and registering petition of appeal/SLP at after notice stage/other than the matters for which Court Fee has been distinctly prescribed in entry 4 below Where the amount or value of the subject-matter in dispute does not exceed Rs. 50,000.</p> <p>For every Rs. 50,000 or part thereof, in excess of Rs. 50,000</p> <p>In case where it is not possible to estimate at a money value the subject-matter in dispute:</p> <p>Provided-</p> <p>(1) that the maximum fee payable in any case shall not exceed Rs. 10,00,000 and</p> <p>(2) that where an appeal is brought by special leave granted by the court or where notice is issued in the special leave petition by the Court, credit shall be given to the appellant/petitioner, as the case may be, for the amount of court-fee paid by him at the time of institution of SLP/Notice and no more court fee will be charged even if leave is subsequently granted in 'after notice' matter and the petition is converted into an appeal.</p>	<p>1,500</p> <p>500</p> <p>1,500</p>
4.	<p>Lodging and Registering of appeal/SLP at 'after notice' stage/in the matters falling in any of subject categories mentioned in Part IV of this Schedule where –</p> <p>(i) value of the subject matter in dispute does not exceed Rupees one lakh.</p> <p>(ii) for every Rs. 50,000 or part thereof in excess of Rs. 1,00,000 till the value reaches Rs. 20,00,000</p> <p>(iii) for every Rs. 1,00,000 or part thereof in excess of Rs. 20,00,000:</p> <p>Provided—</p>	<p>5,000</p> <p>1,000</p> <p>1,000</p>

	<p>(1) The maximum fee payable in any case shall not exceed Rs.25,00,000</p> <p>(2) That where an appeal is brought by special leave granted by the Court or where notice is issued in the Special Leave Petition by the Court credit shall be given to the appellant/petitioner, as the case may be, for the amount of court-fee paid by him at the time of institution of SLP/Notice and no more court fee will be charged even if leave is subsequently granted in 'after notice' matter and the petition is converted into an appeal.</p> <p>(3) In case where it is not possible to estimate at a money value the subject-matter in dispute.</p>	5,000
5.	Lodging of caveat	500
6.	Application for review of judgment or order of Court	The same fee as was paid on the original proceedings.
7.	Curative Petition	The same fee as was paid on the original proceedings.
8.	Petition of Appeal under Consumer Protection Act, 1986	5,000
9.	<p>(i) Transfer petitions other than the petitions arising out of Matrimonial Disputes</p> <p>(ii) Transfer Petitions arising out of Matrimonial Disputes</p>	<p>2,500 per matter to be transferred .</p> <p>500 per matter to be transferred.</p>
10.	Election Petition under Order XLVI of these Rules	20,000 along with security deposit of Rs. 50,000
11.	Appeal under Section 38 of the Advocates Act, 1961	5,000
12.	Appeal under Section 116A of the Representation of the Peoples Act, 1951	20,000

For the purpose of this Schedule--

1. Matter disposed of after hearing the caveator shall be treated to have reached “after notice” stage.
2. Any dispute regarding subject category, valuation, court fee payable or recovery of court fee shall be dealt with and decided by the Registrar/Taxing Officer.
3. Appeal against orders of Registrar/Taxing Officer deciding subject category, valuation, court fee payable or recovery of court fee shall lie to the Judge in Chambers whose decision in this regard shall be final.
4. Registrar/Taxing Officer shall take suitable steps for recovery of unpaid court fee by placing office report before the Court, if the case is still pending in the Court.

Where a matter has been disposed of and for any purpose is pending before any High Court/Subordinate Court/Tribunal, Forum or Authority, the Registrar/Taxing Officer shall report the fact in writing to the concerned High Court/Subordinate Court/Tribunal, Forum or Authority, as the case may be, to direct the petitioner/appellant to first pay/settle unpaid court fee in this Court, or, steps may be taken to recover unpaid court fee as arrears of land revenue.

Part III Miscellaneous

S.No		Rs.
1.	Vakalatnama	10
2.	Every application to the court not specially provided for	100
3.	Every application to the court by notice of motion where an <i>ad interim ex-parte</i> order is prayed for	200
4.	Every application to a Judge in Chambers, the Registrar or Taxing Officer not specially provided for	50
5.	Every affidavit affirmed or sworn	20

N.B.: In the case of references under the Constitution/any statute, such of the above fees as may be appropriate shall be charged.

Note

No Court fee shall be payable on the following cases:

- (i) References, but fees in relation to 'Part-III Miscellaneous' shall be charged.
- (ii) Criminal cases (SLPs/Appeals/WPs/TPs (etc.) .
- (iii) Cases filed by Supreme Court Legal Services Committee .
- (iv) Cases filed by indigent persons.
- (v) Contempt Petitions filed under the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975.

General

If an applicant seeks transposition as an appellant/petitioner, the court fee shall be paid by him as if he was originally a party to the case.

PART IV SUBJECT CATEGORIES

03 DIRECT TAXES MATTER

- 0301 Income Tax Reference under Section 257 of the Income Tax Act, 1961
- 0302 Appeals under Section 261 of Income Tax Act, 1961, upon a certificate granted by the High Court
- 0303 Other matters under Income Tax Act, 1961
- 0304 Cases relating to Excess Profit Tax Act, 1940
- 0305 Business Profit Tax Act, 1947
- 0306 Agricultural Income Tax
- 0307 Reference under Section 27(3)(a) of the Wealth Tax Act, 1957
- 0308 Appeals under Section 29(1) of the Wealth Tax Act, 1957 upon a certificate granted by the High Court
- 0309 Gift Tax Act, 1958
- 0310 Property Tax
- 0311 Valuation
- 0312 Capital Gains
- 0313 SLPs relating to Wealth Tax
- 0314 Income from Salaries

- 0315 Income from House Property
- 0316 Income from Business or Profession
- 0317 Income from other sources
- 0318 Deductions/Exemptions
- 0319 Penalties/Prosecution/Settlement Commission
- 0320 Re-assessment/Revisional Power/Rectification
- 0321 CBDT Circular
- 0322 Registration
- 0323 Others
- 0324 Matters relating to recovery of Direct Tax due

04 INDIRECT TAXES MATTERS

- 0401 Interpretation of the Customs Act, Rules & Regulations
- 0402 Interpretation of Exemption Notification under Customs Act, 1962
- 0403 Interpretation of other Notifications under Customs Act, 1962
- 0404 Valuation of Goods under the Customs Act, 1962
- 0405 Sales Tax Act (Central & various States)
- 0406 Cess Acts (Rubber, Coffee, Tea, Sugar, etc.)
- 0407 Entry Taxes
- 0408 Motor Vehicles Taxation
- 0409 Purchase Tax
- 0410 Licence Fee
- 0411 Classification under the Indian Tariff Act, 1934 & Customs Tariff Act, 1975
- 0412 Reference under Section 82C of the Gold Control Act
- 0413 Hotel Receipts Tax Act
- 0414 Entertainment Tax
- 0415 Terminal Tax
- 0416 Octroi
- 0417 Valuation
- 0418 Toll Tax
- 0419 Interpretation of the Central Excise Act & the Rules
- 0420 Interpretation of Exemption Notifications under Central Excise Act, 1944
- 0421 Interpretation of other Notifications under Central Excise Act, 1944
- 0422 Valuation of goods under the Central Excise Act, 1944
- 0423 Tariff classification under the Central Excise Act, 1944 and Central Excise Tariff Act, 1985
- 0424 Import/Export Control Act, 1947
- 0425 Import Control Order
- 0426 Open General Licence

- 0427 Import/Export Policy
- 0428 Others
- 0429 Professional Tax
- 0430 Water & Sewerage Tax
- 0431 Service Tax
- 0432 Appeals under Section 130E of the Customs Act, 1962
- 0433 Appeals under section 35L of the Central Excise and Salt Act, 1944
- 0434 Anti Dumping Duty
- 0435 Value Added Tax
- 0436 Matters relating to recover of Indirect Tax due

10 COMPANY LAW, MRTP, TRAI, SEBI, IDRAI & RBI

- 1001 Matters relating to winding up
- 1002 Matters relating to Sick Industries
- 1003 Matters arising out of orders of Company Law Board under Sections 397 & 398 of Companies Act, 1956
- 1004 Reference under Section 7(2) of the MRTP Act, 1969
- 1005 Appeals under Section 55 of the MRTP Act, 1969
- 1006 Others
- 1007 Matters relating to disinvestment
- 1008 Appeals under section 15Z of Securities and Exchange Board of India Act, 1992.
- 1009 Matters filed against the orders of MRTP Commission/ Competition Commission.
- 1010 Matters pertaining to TRAI/SEBI/IDRAI and RBI including Appeals under Section 18 of TRAI Act, Indian Electricity Acts, 1910 and 2003, Electricity Supply Act, 1948 and Electricity Reforms Commission Act, 1998

1100 ARBITRATION MATTERS

28 MERCANTILE LAWS, COMMERCIAL TRANSACTIONS INCLUDING BANKING

- 2801 Partnership
- 2802 Sale of Goods Act
- 2803 Contract Act
- 2804 Trade Marks/Copy Rights/Patents/Design Act
- 2805 Negotiable Instruments Act
- 2806 Banks mortgages disputes

- 2807 Hypothecation, Pledge
- 2808 Others
- 2809 Matters relating to recovery of debts/bank loans due under the banks and financial institutions
- 2810 Bank Guarantee matters
- 2811 Matters relating to Securitisation and Reconstruction of Financial Assets and Reinforcement of Security Interest Act, 2002.

29 SIMPLY MONEY & MORTGAGE MATTERS ETC.

- 2901 Money Lending Act
- 2902 Mortgage private
- 2903 Others

42 MATTERS RELATING TO LEASES, GOVT. CONTRACTS & CONTRACTS BY LOCAL BODIES

- 4201 Tenders invited or contracts awarded/leases granted or determined by Central Government
- 4202 Tenders invited or contracts awarded/leases granted or determined by public section undertakings.
- 4203 Tenders invited or contracts awarded/leases granted or determined by State Government/Union Territories
- 4204 Tenders invited or contracts awarded/leases granted or determined by local bodies
- 4205 Others

43 STATE EXCISE-TRADING IN LIQUOR – PRIVILEGES, LICENCES DISTILLERIES BREWERIES

SUBJECT CATEGORIES

01 Labour Matters

- 0101 Dismissal
- 0102 Retrenchment
- 0103 Contract Labour
- 0104 Matters relating to wages, bonus, *ad-hoc*, casual, daily wages & their regularisation
- 0105 Matters relating to Workmen Compensation Act
- 0106 E.S.I
- 0107 Factory Act
- 0108 Conditions of Service & Industrial Employment (Standing Orders) Act, 1946
- 0109 Matters under various States Act
- 0110 Others
- 0111 Matters relating to Provident Fund
- 0112 Payment of Gratuity Act, 1962
- 0113 Trade Unions Act, 1926
- 0114 Other matters under Industrial Disputes Act, 1947

02 Rent Act Matters

- 0201 Eviction matters of personal necessity
- 0202 Eviction matters for re-building and material alteration
- 0203 Eviction matters of sub-letting
- 0204 Eviction matters of disclaimer of title
- 0205 Arrears of rent
- 0206 Others
- 0207 Eviction on the ground of misuse
- 0208 Enhancement of rent
- 0209 Eviction on the ground of non-payment of rent

03 Direct Taxes Matter

- 0301 Income Tax Reference under Section 257
- 0302 Appeals under Section 261 of Income Tax Act upon a certificate granted by the High Court
- 0303 Other matters under Income Tax Act, 1961
- 0304 Cases relating to Excess Profit Tax Act, 1940
- 0305 Business Profit Tax Act, 1947
- 0306 Agricultural Income Tax
- 0307 Reference under Section 27(3)(a) of the Wealth Tax Act, 1957

- 0308 Appeals under Section 29(1) of the Wealth Tax Act, 1957 upon a certificate granted by the High Court
- 0309 Gift Tax Act, 1958
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- 0311 Valuation
- 0312 Capital Gains
- 0313 SLPs relating to Wealth Tax
- 0314 Income from Salaries
- 0315 Income from House Property
- 0316 Income from Business Profession
- 0317 Income from other sources
- 0318 Deductions/Exemptions
- 0319 Penalties/Prosecution/Settlement Commission
- 0320 Re-assessment/Revisional Power/Rectification
- 0321 CBDT Circular
- 0322 Registration
- 0323 Others
- 0324 Matters relating to recovery of Direct Tax due

04 Indirect Taxes Matters

- 0401 Interpretation of the Customs Act, Rules & Regulations
- 0402 Interpretation of Exemption Notification under Customs Act
- 0403 Interpretation of other Notifications under Customs Act
- 0404 Valuation of Goods under the Customs Act
- 0405 Sales Tax Act (Central & various States)
- 0406 Cess Acts (Rubber, Coffee, Tea, Sugar, etc.)
- 0407 Entry Taxes
- 0408 Motor Vehicles Taxation
- 0409 Purchase Tax
- 0410 Licence Fee
- 0411 Classification under the Indian Tariff Act, 1934 & Customs Tariff Act, 1975
- 0412 Reference under Section 82C of the Gold Control Act
- 0413 Hotel Receipts Tax Act
- 0414 Entertainment Tax
- 0415 Terminal Tax
- 0416 Octroi
- 0417 Valuation
- 0418 Toll Tax
- 0419 Interpretation of the Central Excise Act & the rules
- 0420 Interpretation of Exemption Notifications under Central Excise Act

- 0421 Interpretation of other Notifications under Central Excise Act
- 0422 Valuation of goods under the Central Excise Act
- 0423 Tariff classification under the Central Excise Act, 1944 and Central Excise Tariff Act, 1985
- 0424 Import/Export Control Act, 1947
- 0425 Import Control Order
- 0426 Open General Licence
- 0427 Import/Export Policy
- 0428 Others
- 0429 Professional Tax
- 0430 Water & Sewerage Tax
- 0431 Service Tax
- 0432 Appeals under section 130E of the Customs Act, 1962
- 0433 Appeals under section 35L of the Central Excise and Salt Act, 1944
- 0434 Anti Dumping Duty
- 0435 Value Added Tax
- 0436 Matters relating to recovery of Indirect Tax due

05 Land Acquisition & Requisition Matters

- 0501 Matters challenging the acquisition proceedings
- 0502 Matters challenging compensations
- 0503 Requisition & de-requisition of property
- 0504 Others
- 0505 Acquisition for defence purpose

06 Service Matters

- 0601 Retiral benefits
- 0602 Regularisation of ad-hoc employees etc.
- 0603 Removal/Dismissal/Termination from service or other major penalties
- 0604 Suspension
- 0605 Compulsory retirement
- 0606 Disciplinary proceedings
- 0607 Condition of service
- 0608 Promotion
- 0609 Seniority
- 0610 Pay scales
- 0611 Reservation in service for SC/ST/OBC
- 0612 Equal pay for equal work
- 0613 Others
- 0614 Medical facilities

- 0615 Recruitment/Transfer/Compassionate Appointment
- 0616 Minor penalties
- 0617 Back wages
- 0618 Voluntary Retirement
- 0619 Allotment of Accommodation
- 0620 Probation & Confirmation
- 0621 Temporary Appointments
- 0622 Use of forged/false document(s) for securing employment

07 Academic Matters

- 0701 Matters relating to examination
- 0702 Introduction/Abolition of languages
- 0703 Matters relating to syllabi
- 0704 Matters relating to withholding/cancellation of results, evaluation of marks, expulsion of students.
- 0705 Others
- 0706 Tuition fee
- 0707 Matters relating to management of Educational Institutions

08 Letter Petition & PIL Matters

- 0801 Child labour matters including neglected children
- 0802 Air pollution matters, i.e., Industrial, Vehicular, Power stations etc.
- 0803 Water Pollution: Industrial, domestic, sewage, rivers and sea
- 0804 Noise Pollution: Industry & vehicular
- 0805 Ecological Imbalance: Protection and conservation of forests throughout the country, protection of wild life, ban on felling of trees and falling of underground water level
- 0806 Bonded Labour matters
- 0807 Matters relating to custody harassment, jails, complaint of harassment, custodial death, speedy trial, premature release, inaction by police, etc.
- 0808 Matters relating to harassment of SC/ST/OBC and women
- 0809 Matters relating to unauthorised constructions including encroachments, sealing, demolitions, urban planning
- 0810 Matters relating to Election Commissions
- 0811 Scam matters
- 0812 Others
- 0813 Essential Amenities or Services
- 0814 Housing
- 0815 Natural & Man-made disasters including riots
- 0816 SLPs filed against judgments/orders passed by the High Courts in Writ Petitions filed as PIL

- 0817 Writ Petition (Criminal) & Writ Petition filed as PIL pertaining to Criminal investigation/prosecution
- 0818 Letter Petition & PIL Matters - Social Justice Matters

09 Election Matters

- 0901 Matters challenging election of President & Vice-President of India
- 0902 Elections relating to Gram Panchayats and Zila Parishad
- 0903 Matters under Representation of Peoples' Act involving corrupt practices
- 0904 Matters relating to re-counting of votes
- 0905 Matters under the Cooperative Societies Act
- 0906 University election matters
- 0907 Delimitation of Constituency
- 0908 Others
- 0909 Matters challenging Elections of MPs and MLAs
- 0910 Elections relating to Municipal Councils
- 0911 Appeals u/s 116A of Representation of People Act, 1951
- 0912 Disqualification and expulsion of MPs/MLAs

10 Company Law, MRTP, TRAI, SEBI, IDRAI & RBI

- 1001 Matters relating to winding up
- 1002 Matters relating to Sick Industries
- 1003 Matters arising out of orders of Company Law Board under Sections 397 & 398 of Companies Act, 1956
- 1004 Reference under Section 7(2) of the MRTP Act, 1969
- 1005 Appeals under Section 55 of the MRTP Act, 1969
- 1006 Others
- 1007 Matters relating to disinvestment
- 1008 Appeals under Section 15Z of the Securities and Exchange Board of India Act, 1992
- 1009 Matter filed against the orders of MRTP Commission/Competition Commission
- 1010 Matters pertaining to TRAI/SEBI/IDRAI and RBI including Appeals u/s 18 of TRAI Act, Indian Electricity Act, 1910 and 2003, Electricity Supply Act, 1948 and Electricity Reforms Commission Act, 1998

11 Arbitration Matters

- 1100 SLPs challenging Arbitration Matters
- 1101 Arbitration Petition filed under Section 11 of Arbitration & Conciliation Act, 1996

12 Compensation Matters

- 1201 Motor accident claim matters involving permanent disability/death of persons
- 1202 Motor accident claim matters relating to other injuries
- 1203 Insurer/owners liability matters
- 1204 Matters relating to Railway accident including other Railway compensation matters
- 1205 Matters relating to accidents other than those covered by M.V. Act
- 1206 Matters relating to telephone, electricity etc.
- 1207 Others

13 *Habeas Corpus* Matters

14 Criminal Matters

- 1401 Matters relating to capital punishment
- 1402 Matters relating to maintenance under Section 125 of Cr.P.C.
- 1403 Matters relating to harassment, cruelty to woman for dowry, dowry death, eve-teasing, domestic violence etc.
- 1404 Matters relating to sexual harassment, kidnapping & abduction
- 1405 Matters relating to Prevention of Corruption Act
- 1406 Matters relating to Bank scams, cheating, forgery etc.
- 1407 Matters relating to Essential Commodities Act
- 1408 Criminal matters relating to State Excise Law
- 1409 Criminal matters relating to bail/interim bail/ anticipatory bail
- 1410 Criminal matters in which sentence awarded is upto five years
- 1411 Criminal T.P. under Article 139(A)(2) of the Constitution of India
- 1412 Criminal T.P. under section 406 of the Cr.P.C.
- 1413 Criminal matters arising out of Securities Act, 1992
- 1414 Criminal matters relating to Drugs and Cosmetics, NDPS Act
- 1415 Criminal matters relating to Food Adulteration
- 1416 Criminal matters relating to preventive detention, TADA/POTA national security-COFEPOSA-SAFEMA
- 1417 Matters relating to SC & ST (Prevention of Atrocities) Act, 1989; Untouchability (Offences) Amendment & Misc. Provision Act, 1976
- 1418 Others
- 1419 Scam matters other than relating to Banks
- 1420 Appeals u/s 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970
- 1421 Police atrocities matters
- 1422 Matters relating to Foreign Exchange Regulation Act.
- 1423 Matters challenging sentence till rising of the court and/or fine only

- 1424 Appeals u/s 10 of the Special Courts (Trial of Offences relating to Transactions in Securities) Act, 1992
- 1425 Appeals u/s 19 of the Terrorist and Disruptive Activities (Prevention) Act, 1987
- 1426 Matters filed by State against acquittal
- 1427 Matters filed by complainant against acquittal
- 1428 Matters under State Police Acts
- 1429 Matters for/against quashing of criminal proceedings
- 1430 Matters challenging prosecution under Income Tax Act
- 1431 Matters challenging Prosecution under Negotiable Instrument Act
- 1432 Criminal matters relating to Central Excise and Salt Act, 1944
- 1433 Criminal matters relating to Customs Act, 1962
- 1434 Matters relating to Foreign Exchange Management Act (FEMA)
- 1435 Criminal Appeals filed against the orders of various Tribunals
- 1436 Criminal matters relating to suspension of sentence
- 1437 Criminal matters relating to cancellation of bail.
- 1438 Criminal matters in which sentence awarded is more than 5 years
- 1439 Criminal matters in which sentence awarded is life imprisonment

15 Appeal against orders of statutory bodies

- 1501 Bar Council of India
- 1502 Others
- 1503 Tribunals
- 1504 Appeals and other matters under Sections 30 and 31 of the Armed Forces Tribunal Act, 2007
- 1505 Matters filed against the orders of other Regulatory Authorities/Bodies

16 Family Law Matters

- 1601 Mutual consent divorce matters
- 1602 Other divorce matters
- 1603 Restitution of conjugal rights
- 1604 Child custody matters
- 1605 Adoption & maintenance matters
- 1606 Minority & guardianship matters
- 1607 Matters under Hindu Marriage Act
- 1608 Matters under Muslim Marriage Act
- 1609 Matters under Christian Marriage Act
- 1610 Alimony
- 1611 Others

- 17 Contempt of Court Matters**
1701 Suo motu civil contempt matters
1702 Suo motu criminal contempt matters
1703 Other civil contempt matters
1704 Other criminal contempt matters
1705 Appeal u/s 19(1)(b) of the Contempt of Courts Act, 1971
- 18 Ordinary Civil Matters**
1801 T.P. under Article 139A(1) of the Constitution of India
1802 T.P. under Section 25 of the C.P.C.
1803 Civil matters arising out of the Securities Act, 1992
1804 Original Civil Suit under Article 131 of the Constitution of India
1805 Matters relating to specific performance of contract
1806 Matters relating to allotment, cancellation, fixation of prices of plots/flats
1807 Others
1808 Market fee under APMC Act
1809 Matters relating to Lotteries
1810 Dealership & distributorship of petroleum products
1811 Benami transactions
1812 Royalty of coal etc.
1813 Stage carriage permits
1814 Freedom Fighters' pension
1815 Matters relating to Electricity Dispute (connection/disconnection etc.)
1816 Appeals u/s 10 of the Special Courts (Trial of Offences relating to Transactions in Securities) Act, 1992
1817 Matters for eviction/dispossession other than Rent Control Act matters
1818 Appeals u/s 53T of the Competition Act, 2002
1819 Matters relating to demolition
- 19 Three Judges Bench Matter**
20 Five Judges Bench Matter
21 Eleven Judges Bench Matter
22 Seven Judges Bench Matter
23 Nine Judges Bench Matter
- 24 Appointments etc. of Constitutional Functionaries**
2401 Appointment of High Courts Judges
2402 Deleted

- 2403 Appointment of Advocate General & Attorney General
- 2404 Appointment of members of Election Commissions
- 2405 Appointment of Members and Chairman of State Public Commission and UPSC
- 2406 Appointment of Governors & Lt. Governors
- 2407 Others

- 25 Statutory Appointments and Appointment of other Law Officers**
 - 2501 Appointment of Members, Vice-Chairman, Chairman of CAT, SAT, other Tribunals, Statutory Corporations/Bodies
 - 2502 Appointment in Zila Parishad
 - 2503 Appointment of Vice-Chancellors of University
 - 2504 Appointment of other Law Officers

- 26 Personal Law Matters**
 - 2601 Matters Relating to Inheritance & Succession
 - 2602 Matters relating to Gift
 - 2603 Matters relating to Partition
 - 2604 Matters relating to testamentary succession
 - 2605 Others

- 27 Religious & Charitable Endowments**
 - 2701 Matters relating to management, administrative disputes of Temples etc. (Priest, Pujari & Mahant)
 - 2702 Wakf Board matters
 - 2703 Others

- 28 Mercantile Laws, Commercial Transactions Including Banking**
 - 2801 Partnership
 - 2802 Sale of Goods Act
 - 2803 Contract Act
 - 2804 Trade Marks/Copy Rights/Patents/Design Act
 - 2805 Negotiable Instrument Act
 - 2806 Banks mortgage disputes
 - 2807 Hypothecation, Pledge
 - 2808 Others
 - 2809 Matters relating to recovery of debts/bank loans due under the Banks and financial institutions
 - 2810 Bank Guarantee Matters

- 2811 Matters relating to Securitisation and Reconstruction of Financial Assets and reinforcement of Security Interest Act, 2002
- 29 Simple Money & Mortgage Matters Etc.**
2901 Money Lending Act
2902 Mortgage Private
2903 Others
- 30 Matters Relating to Judiciary**
3001 Matters pertaining to Judicial Officers
3002 Matters pertaining to Employees of Supreme Court and High Courts
3003 Matters pertaining to Employees of District Courts and Tribunals
3004 Matters pertaining to service conditions, etc., of individual Judicial Officer and other matters not specified above.
- 31 Admissions to Educational Institutions other than Medical & Engineering**
- 32 Establishment and Recognition of Educational Institutions**
- 33 Eviction under the Public Premises (Eviction) Act**
3301 Delhi Development Authority (DDA)
3302 Municipal Corporation of Delhi (MCD)
3303 Govt. of NCT of Delhi
3304 Union of India
3305 New Delhi Municipal Council (NDMC)
3306 Other States/Union Territories
3307 Others
- 34 Mines, Minerals and Mining Leases**
- 35 Land Laws and Agricultural Tenancies**
3501 Matters relating to sale/transfer of land by SC/ST
3502 Matters relating to agricultural land ceiling
3503 Matters relating to urban land ceiling
3504 Pre-emption matters
3505 Others
- 36 Admiralty and Maritime Laws**
- 37 Matters relating to Commissions of Enquiry**

- 38 Matters relating to Consumer Protection**
3801 Appeals u/s 23 of the Consumer Protection Act, 1986
3802 SLPs relating to Consumer Protection
3803 Others
- 39 Matters pertaining to Armed Forces & Paramilitary Forces**
- 40 Admission/Transfer to Engineering and Medical Colleges**
4001 Medical Admission Matters
4002 Engineering Admission Matters
4003 Others
- 41 Allocation of 15% All India Quota in Admission/Transfer to Medical Colleges**
- 42 Matters relating to Leases, Govt. Contracts & Contracts by Local Bodies**
4201 Tenders invited or contracts awarded/leases granted or determined by Central Government.
4202 Tenders invited or contracts awarded/leases granted or determined by Public Sector Undertaking
4203 Tenders invited or contracts awarded/leases granted or determined by State Government/Union Territories
4204 Tenders invited or contracts awarded/leases granted or determined by local bodies
4205 Others
- 43 State Excise-Trading in Liquor-Privileges, Licences-Distilleries Breweries**
- 44 Reference under Article 143 of the Constitution of India**
- 45 Reference under Article 317(1) of the Constitution of India**
- 46 Reference under Section 11 of the Competition Act, 2002**
- 47**
4700 Reference under Section 14 of the Right to Information Act, 2005
4701 Reference under Section 17 of the Right to Information Act, 2005
- 8888 Defective matter as not re-filed**

FOURTH SCHEDULE
FORMS
NO. 1
APPLICATION FOR THE REGISTRATION OF A CLERK
(S.C.R., Order IV Rule 13)
IN THE SUPREME COURT OF INDIA

1. Name of advocate/firm of advocates on whose behalf the clerk is to be registered.
2. Particulars of the clerk to be registered:
 - (i) Full name (In capitals):
 - (ii) Father's name:
 - (iii) Age and date of birth:
 - (iv) Place of birth and nationality:
 - (v) Educational qualifications:
 - (vi) Particulars of previous employment, if any:

I, (clerk above-named), do hereby affirm that the particulars relating to me given above are true.

.....
(Signature of Clerk)

3. Whether the advocate/firm of advocates has a clerk already registered in his/its employ, and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.
4. Whether the clerk sought to be registered is already registered as a clerk of any other advocate and if so, the name of such other advocate.

I, (advocate) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any facts which would render undesirable the registration of the said(name) as a clerk.

.....
(Signature of advocate/partner of firm of advocates)

Dated:.....

To

The Registrar,
Supreme Court

NO. 2
FORM OF SUMMONS FOR AN ORDER IN CHAMBERS
(S.C.R., Order V)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]
Appeal

Case No.....of 20.....

[A.B.]

.....
[State of A.B.]

[C.D.]

.....
[State of C.D.]

[Appellant]

.....
[Plaintiff]

[Respondent]

.....
[Defendant]

Vs.

Let all parties concerned attend before in Chambers at the Court House (New Delhi) on the day of, 20 at o'clock in the forenoon on the hearing of an application on the part of the above-named plaintiff (or appellant, defendant, respondent as the case may be) for an order that (here state the precise object of the application).

Dated this theday of20

(Take notice that this summons will be attended by counsel for the applicant)

(Signed).....

Advocate on record for the plaintiff

This summons was taken out by Advocate on record for the plaintiff.

To

.....

Advocate on record for the defendant.

NO. 3

NOTICE OF APPEAL FROM REGISTRAR

(S.C.R., Order V Rule 3)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....
[Original Jurisdiction]

Appeal

Case No..... of 20

[A.B.]		[Appellant]
.....	
[State of A.B.]		[Plaintiff]
	Vs.	
[C.D.]		[Respondent]
.....	
[State of C.D.]		[Defendant]

Take notice that the above-named plaintiff (or appellant, respondent, defendant as the case may be) intends to appeal against the decision of the Registrar, given on theday of (ordering or refusing to order) that

And further take notice that you are required to attend before the Judge in Chambers at the Court House (New Delhi) on theday of 20..... at o'clock in the forenoon on the hearing of an application by the said plaintiff (or appellant, respondent, defendant as the case may be) for an order that (here state the order sought to be obtained).

Signed.....
Advocate on record for the plaintiff

To
Advocate on record for the defendant

NO. 4
NOTICE OF MOTION
(S.C.R., Order XI Rule 2)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]
.....
[Original Jurisdiction]

Civil/Criminal Misc. Petition No.....of 20.....

[Appeal]
.....

Case No. of 20.....

[A.B.]	[Petitioner]
.....
	[Appellant]
[State of A.B.]	[Plaintiff]

Vs.

[C.D.]

[Respondent]

.....

.....

[State of C.D]

[Defendant]

Take notice that the Court will be moved on theday of20..... at 10:30 o'clock in the forenoon, or so soon thereafter as counsel can be heard, by Mr.counsel for the above-named plaintiff (or defendant, petitioner, appellant, respondent as the case may be), that (or for an order that, or for) (here state the precise object of the motion).

A copy of the application is enclosed herewith.

Take further notice that meanwhile this Court has been pleased to pass the following order, (here quote the interim order of the Court).

Dated this theday of20.....

.....
Advocate on record
for the Petitioner/Appellant/Plaintiff.
Address:.....

To

Advocate on record for the
Opposite party/respondent/defendant

NO. 5
FORM OF OATH BY TRANSLATOR
(S.C.R., Order VIII Rule 4)
IN THE SUPREME COURT OF INDIA

In the matter of, a translator.

I,, solemnly affirm and say that I will translate correctly and accurately all documents given to me for translations.

Dated this the day of 20.....

Before me.

.....

Registrar

NO. 6
APPLICATION FOR PRODUCTION OF RECORD
(S.C.R., Order X Rule 1)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....
[Original Jurisdiction]

Appeal

Case No.....of 20.....

[A.B.]

.....
[State of A.B.]

[C.D.]

.....
[State of C.D.]

[Appellant]

.....
[Plaintiff]

[Respondent]

.....
[Defendant]

Vs.

To

The Registrar,
Supreme Court of India

Sir,

Please produce the records of the within mentioned case before..... no. (here
insert the number and title of the case of which the records are required.)

Dated this theday of20

(Signature)

NO. 7
NOTICE TO THE RESPONDENT OF LODGMENT OF PETITION OF APPEAL
(S.C.R., Order XIX Rule 8)
IN THE SUPREME COURT OF INDIA
Civil Appellate Jurisdiction

Civil Appeal No..... of 20.....

(Appeal from the judgment and decree/order of the High Court of judicature at
.....(full particulars to be given.....))

(A.B.)

(Appellant)

Vs.

(C.D.)

(Respondent)

To

Through Shri.....
Advocate-on-record
Supreme Court of India,
New Delhi.

OR

(give the address of the respondent if no appearance of an advocate-on-record has been entered).

TAKE NOTICE that the Appellant above-named has on filed in the Registry of the Supreme Court a petition of appeal (copy enclosed) from the judgment and decree/order of the High Court of Judicature atand the said petition has been registered in Supreme Court as Civil Appeal No.of20.....

Notice is hereby given to you that if you wish to contest the appeal you may appear within thirty days of the receipt of this notice before this Court either personally or by an advocate-on-record of the Court appointed by you in that behalf, and take such part in the proceeding as you may be advised.

Take further notice that in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and no further notice in relation thereto shall be given to you.

Dated this the.....day of20.....

.....
Assistant Registrar

Address for service on the Appellant:

(If the appeal has been filed through an advocate-on-record, the address of the advocate-on-record should be given.

OR

If the party is appearing in person then a local address should be given).

NOTE:--

Where the record of the appeal is required to be prepared under the supervision of the Registrar of the Court appealed from the notice shall also state this fact and shall in relation to the preparation of the record, also require the respondent to take steps before the Court appealed from (vide rule 11 of Order XIX of the Supreme Court Rules, 2013).

NO. 8
MEMORANDUM OF APPEARANCE IN PERSON
(S.C.R., Order XIX Rule 9)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

Appeal No.....of 20.....

[A.B.]

[Appellant]

Vs.

[C.D.]

[Respondent]

To

The Registrar,
Please enter my/our appearance for the respondent above-named in this appeal.
Dated this theday of20.....

(Signature).....
Address for Service.

NO. 9
MEMORANDUM OF APPEARANCE THROUGH ADVOCATE-ON-RECORD
(S.C.R., Order XIX Rule 9)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....
[Original Jurisdiction]

Appeal No.....of 20.....

Case

[A.B.]

[Appellant]

.....
[State of A.B.]

.....
[Plaintiff]

Vs.

[C.D.]

[Respondent]

.....
[State of C.D.]

.....
[Defendant]

To

The Registrar,

Please enter an appearance for the above-named Respondent (or the defendant) in this appeal/case.

Dated this the.....day of20.....

(Signed).....
Advocate on record for the Respondent.

NO. 10

CERTIFICATE TO THE ADVOCATE APPOINTED AT THE COST OF THE STATE
[S.C.R., Order XX Rule 16 and Order XXII Rule 7(3)]
IN THE SUPREME COURT OF INDIA
Criminal Appellate Jurisdiction

Petition for Special leave to Appeal (Criminal) No.....of20.....
Criminal Appeal No.....of 20.....

A.B.

Petitioner(s)/Appellant(s)

Vs.

The State of

Respondent(s)

CERTIFICATE

Certified that Shri.....Advocate was engaged at the cost of the State in above Petition/Appeal which was heard onand that Rs.....only [Rupees (in words).....only] are payable to him as his fees by the State of

.....
Registrar/Additional Registrar

Note:- Strike out whichever is not applicable.

NO. 11

NOTICE TO RESPONDENT OF LODGING OF APPEAL
(S.C.R., Order XX Rule 5)
IN THE SUPREME COURT OF INDIA
(Appellate Jurisdiction)

Criminal Appeal No.....of 20.....

[Appeal from the judgment (order sentence or decision) of the High Court of Judicature at.....Court or Tribunal]

[A.B.]

[Appellant]

Vs.

[The State]

[Respondent]

To

The Attorney-General for India and /or

The Advocate-General concerned

Take notice that an appeal from the judgment (order, sentence or decision) of the High Court of judicature atof the court, in case No.....dated the(here give number of Case in High Court, or Judicial Commissioner's Court) was presented by the above-named appellant on theday of20..... and has been registered in this Court as Criminal Appeal No.....of.....20.....

Dated this theday of20.....

.....
Registrar

NO. 12
SUMMONS FOR DISPOSAL OF SUIT
(S.C.R., Order XXVII Rule 1)
IN THE SUPREME COURT OF INDIA
(Original Jurisdiction)
Case No.of.....20.....

[State of A.B.]

[Plaintiff]

Vs.

[C.D.]

[Defendant]

To

WHEREAS the above-named plaintiff has instituted a suit in the Court against you claiming.....you are hereby required to cause an appearance to be entered for you in the Registry of the Court within twenty-eight days from the service upon you of this summons, exclusive of the day of such service; and you are summoned to appear before this Court by an Advocate on record of the Court to answer the plaintiff's claim on the day the case is set down

for hearing upon which date you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case.

And you are hereby required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Witness..... Chief Justice of India, at the Supreme Court, New Delhi.

The.....day ofin the year two thousand and

Advocate on record

At the Supreme Court, New Delhi

Address:.....

.....
Registrar

NO. 13
NOTICE OF APPEARANCE
(S.C.R., Order XXVII Rule 7)
IN THE SUPREME COURT OF INDIA
(Original Jurisdiction)
Case No.of.....20.....

[State of A.B.]

Vs.

[Plaintiff]

[State of C.D.]

[Defendant]

To

(The plaintiff or his Advocate on record)

Take notice that appearance has been entered for the above-named defendant in this case.

Dated this theday of.....20.....

(Signed).....
Advocate on record for the defendant

NO. 14
SUMMONS FOR DIRECTIONS
(S.C.R., Order XXVII Rule 8)
IN THE SUPREME COURT OF INDIA
(Original Jurisdiction)
Case No.of.....20.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

Let all parties concerned attend,in Chambers at the Court House (New Delhi) on theday of20....., at o'clock in the forenoon on the hearing of an application by the plaintiff for directions in this action as follows:- (The applicant should specifically state what he applies for, and strike out what he does not apply for.)

(Here state the direction required as thus:
That the plaintiff may be at liberty to amend his statement of claim by (State amendments proposed); and generally as he may be advised)

Pleadings
Particulars
Admission of document and facts
Discovery
Interrogatories
Inspection and production of documents
Inspection of real or personal property
Commissions
Examination of witnesses
Place of trial
Mode of trial

Dated this theday of20.....

.....

Registrar

This summons was taken out by
Advocate-on-record for the plaintiff.

To.....

Advocate-on-record for the defendant.

NO. 15
NOTICE OF PAYMENT OF MONEY INTO COURT
(S.C.R., Order XXXVI)
IN THE SUPREME COURT OF INDIA
(Original Jurisdiction)

Case No.of.....20.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

Take notice that the defendant has paid into Court Rs. and say that (Rs. Part of) that sum is enough to satisfy the plaintiff's claim (for and Rs. the other part of that sum is enough to satisfy the plaintiff's claim for) and admits (but denies) liability therefor.

Dated this theday of20.....

(Signed).....

Advocate-on-record for the defendant

Address.....

.....

To

.....
Advocate-on-record for the plaintiff

NO. 16
ACCEPTANCE OF SUM PAID INTO COURT
(S.C.R., Order XXXVI)
IN THE SUPREME COURT OF INDIA
(Original Jurisdiction)

Case No.of 20.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

The Plaintiff accepts the sum of Rs. paid by the defendant into Court in satisfaction of the claim in respect of which it was paid in (and abandons his other claims in this action).

Dated this the day of20

(Signed).....

Advocate-on-record for the Plaintiff

To

Address.....

.....
Advocate-on-record for the defendant,
Address.....

NO. 17

**NOTICE TO THE ATTORNEY-GENERAL FOR INDIA OF REFERENCE UNDER
ARTICLE 143 OF THE CONSTITUTION OF INDIA**

(S.C.R., Order XLII)

IN THE SUPREME COURT OF INDIA

Reference No.of 20.....

In the matter of a Reference under Article 143 of the Constitution of India

To

The Attorney-General for India.

WHEREAS under Article 143 of the Constitution of India, the President has referred the following question(s) of law (or fact) for consideration and report to this Court:--

(Here set out the question or questions referred)

Take notice that you are hereby required to appear before this Court on theday of20....., at o'clock in the forenoon to take the directions of the Court in the matter.

Witness, Chief Justice of India, theday ofin the year two thousand and

.....
Registrar

NO. 18

**NOTICE TO PARTIES OF REFERENCE UNDER ARTICLE 143 OF THE
CONSTITUTION OF INDIA**

(S.C.R., Order XLII)

IN THE SUPREME COURT OF INDIA

Reference No.of 20.....

In the matter of (here state the subject matter under reference)

and

In the matter of a Reference under article 143 of the Constitution of India.

To

.....

(Name of parties)

WHEREAS under article 143 of the Constitution of India, the President has referred the following question(s) of law (or fact) for consideration and report to this Court:--

(Here set out the question or questions referred.)

Take notice that you are hereby required if you desire to be heard to cause an appearance to be entered for you in the Registry of this Court on or before theday of20...., and to attend on the said day ato'clock in the forenoon before the Court by an advocate of the Court to take the directions of the Court with respect to the statements of facts and arguments and with respect to the date of the hearing.

Witness....., Chief Justice of India, theday ofin the year two thousand and

.....
Registrar

NO. 19
SUMMONS TO ATTEND TAXATION
(S.C.R., Order L, Rule11)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....
[Original Jurisdiction]

Appeal No.....of 20.....

Case

[A.B.]

.....
[State of A.B.]

[C.D.]

.....

[Appellant]

.....
[Plaintiff]

[Respondent]

.....

Vs.

[State of C.D]

[Defendant]

Bill No.of 20.....(Here state the names of the parties to the bill.)

WHEREAS Mr. E.F., advocate-on-record for the appellant (or as the case may be) has lodged a bill of costs (copy appended hereto) for taxation as between [party and party and also as between] advocate-on-record and client, notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on theday of20.....ato'clock in the forenoon (afternoon) when you may attend the Taxing Officer in his Chambers at the Court House and contest the said bill or any items therein.

Dated this theday of20....

.....
Taxing Officer

NO. 20
AFFIDAVIT OF SERVICE OF SUMMONS
(S.C.R., Order LIII, Rule 5)
IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Appeal No.....of 20.....

Case

[A.B.]

[Appellant]

.....
[State of A.B.]

.....
[Plaintiff]

Vs.

[C.D.]

[Respondent]

.....
[State of C.D]

.....
[Defendant]

I,ofAdvocate-on-record for the above named.....,
make oath/solemnly affirm and say as follows:-

I, did on theday of20....., serve Mr.advocate-on-record for the above named.....in this action (or appeal) with a true copy of the summons now produced and shown to me marked A, by leaving it before four o'clock in the afternoon at the (office or dwelling house) of the said.....situate..... being the address for service

in this action (or appeal) (with his clerk or his servant or as may be there) of by post-envelope addressed to the said.....at....., being the address for service in this action (or appeal).

Sworn atthisday of20.....

Before me.

This affidavit is filed on behalf of the

NO. 21
AFFIDAVIT OF SERVICE BY POST
(S.C.R., Order LIII, Rule 5)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....
[Original Jurisdiction]

Appeal No.....of 20.....

Case

[A.B.]

.....
[State of A.B.]

[C.D.]

.....
[State of C.D.]

[Appellant]

.....
[Plaintiff]

[Respondent]

.....
[Defendant]

Vs.

I,ofAdvocate-on-record for the above named....., make oath/solemnly affirm and say as follows:--

I did serve the advocate-on-record for the above-named.....in this action (or appeal) (or the above-named.....if he has appeared in person) with the summons (or notice or other documents) now produced and shown to me marked A, by posting it on theday of20.....at (name of post office) a true copy of the said summons (or as may be) in a pre-paid envelope registered for acknowledgment addressed to the said advocate on record (or respondent or as may be) at, which is his address for service.

The postal acknowledgment is attached hereto.

Sworn at.....this.....day of20.....

Before me.

This affidavit is filed on behalf of the

NO. 22
CERTIFICATE OF TAXATION
(S.C.R., Order L)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]
[Original Jurisdiction]

Appeal No.....of 20.....

Case

[A.B.]
.....
[State of A.B.]

Vs.

[C.D.]
.....
[State of C.D.]

[Appellant]
.....
[Plaintiff]

[Respondent]
.....
[Defendant]

Bill No.....of 20.....(Here state the name of the parties to the bill)

I do hereby certify that I have taxed the above bill of costs, lodged in this Court by Mr. E.F., Advocate on record for appellant (or as the case may be) and do allow, as between party and party the sum of (amount in figures and words).

Dated this theday of.....20.....

.....
Taxing Officer

NO. 23
NOTICE FOR PROCEEDINGS TO ATTORNEY-GENERAL FOR INDIA
OR ADVOCATE-GENERAL OF A STATE
(S.C.R., Order LI Rule 1)
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]
.....

[Original Jurisdiction]

Appeal No.....of 20.....

Case

[A.B.]
.....

[State of A.B.]

Vs.

[C.D.]
.....

[State of C.D.]

[Appellant]
.....

[Plaintiff]

[Respondent]
.....

[Defendant]

To

The Attorney-General for India
or
Advocate-General of a State

Take notice that the above-named appeal/case has been filed in this Court [and is fixed for hearing on theday of.....20....., and shall be taken up for hearing by the Court on that day, at o'clock in the forenoon or so soon thereafter as may be convenient to the Court][and shall be fixed for hearing on a suitable date of which due notice will be given to you.]

As the appeal/case raises [an] important question[s][here state briefly the question(s) involved] notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised.

Dated this theday of20.....

.....
Registrar

NO. 24
WRIT OF COMMISSION
(S.C.R., Order LIV)
IN THE SUPREME COURT OF INDIA
[Original Jurisdiction]

Case No.....of 20.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

To

The Commissioner appointed to examine the undermentioned witnesses on behalf of I,, hereby appoint you and give you full power and authority to swear or affirm and diligently to examine oninterrogatories and viva voce.....as shall be produced before you aswitness(es)on behalf of the saidin a certain Case No.....of.....now pending in the Supreme Court (wherein) and I further command you that you do at certain days and places to be appointed by you for that purpose of which reasonable notice shall be given to all parties cause the said witness(es) to come before you and then and there examine and cross examine such witness(es) either upon oath or solemn affirmation which we hereby give you full power and authority to administer to such witness(es) in the form firstly specified at the foot hereof, and that you do take such examination and reduce the same into writing on paper; and when you shall have so taken the same you are to send the same before the (returnable date as given in the order for the issue of this commission) to the Registrar of the said Supreme Court closed up under your Seal together with such documents as shall be spoken to and marked exhibits and this writ.

And I further empower you to appoint if necessary, a competent interpreter to interpret such of the proceedings under this commission as you may deem necessary to have interpreted from or into the English language. And I further command you that the interpreter employed in interpreting the depositions of the said witness(es) to be examined by virtue of this writ shall, before he be permitted to act as such interpreter as aforesaid, take the oath or affirmation lastly specified at the foot hereof which I hereby give you power and authority to administer to such interpreter. And I do lastly order that parties to this suit do appear before you in person or by their pleaders.

Witnesses....., Chief Justice of India at the Supreme Court, New Delhi, theday ofin the year two thousand and Advocate-on-record for
(Names of witnesses to be examined)

.....

NOTE 1- The Commissioner shall not be bound to execute this commission unless such a sum as he thinks reasonable be deposited with him for the expenses of executing the same and also of summoning the witnesses and defraying their travelling and other expenses.

NOTE 2- After the deposition of any witness has been taken down and before it is signed by him, it shall be distinctly read over, and, where necessary, translated to the witness in order that mistakes or omissions may be rectified or supplied. The deposition shall be signed by the witness and left with the Commissioner who shall subscribe his name and date of the examination.

Form of the oath or affirmation to be administered to the witness

I swear in the presence of Almighty God (or solemnly affirm) that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Form of the oath or affirmation to be administered to the interpreter

I swear in the presence of Almighty God (or solemnly affirm) that I understand and speak theand English language, and that I will well and truly and faithfully interpret, translate and explain to the witness to be produced before the Commissioner, all questions and answers and all such matters as the Commissioner may require me to interpret and explain.

So help me God.

N.B. The Words “so help me God” are to be omitted when an affirmation is administered. The execution of this commission appears by the Schedule hereunto annexed.

NO. 25
FORM OF LODGMENT SCHEDULE
IN THE SUPREME COURT OF INDIA
Suit/Appeal/Petition No.of.....

..... Plaintiff(s)/Appellant(s)/Petitioner(s)

Vs.

..... Defendant(s)/Respondent(s)

Date of Order	Amount	Party on whose behalf and the purpose for which the payment is made	Remarks
---------------	--------	---	---------

Dated.....

Issue Challan
Time for payment till.....

.....
(Signature)
Advocate or party making the Payment

.....
(Signature)
Registrar

NO. 26
IN THE SUPREME COURT OF INDIA
REVENUE DEPOSITS
FORM T.R. 61
DEPOSIT REPAYMENT ORDER AND VOUCHER
(See rule 629 of the Treasury Rules)

To
The Pay & Accounts Officer
Supreme Court of India
NEW DELHI – 110201.
.....

K-Deposits-and-Advances-(B)	Deposits-not-bearing-interest-843-Civil
Deposits-Civil Courts-Deposits-Criminal Courts-Deposits-Supreme Court	
Original Number of the Challan:	Name of Depositor: Registrar, Supreme Court of India, New Delhi on behalf of the appellant in
Date of Deposit.	Amount originally deposited: Rs..... (Rupees.....)
Examined & Entered	Received this.....day of20.....the sum of Rupees.....)
Dated..... (Pay & Accounts Officer) being the amount payable on account ofout of the said deposit as per orders of the Supreme Court dated.....made in Civil Misc. Petition No.of 20.....in.....
Pay Rupees.....	

CLAIMANT'S SIGNATURE

.....

Pay & Accounts Officer

Passed for payment to

Dated.....

.....
for Rupees.....(Rupees.....) as
per order of the Supreme Court dated.....
in Civil Misc. Petition No.of 20...
in New Delhi.

Dated:

DEPUTY REGISTRAR/ADDL.REGISTRAR (ADMN.)
SUPREME COURT OF INDIA

Encl: Original Challan
(Under Rupees.....)

NO. 27
FORM OF BANK GUARANTEE

In the matter of:

Civil Appeal/Petition/C.M.P.(here give the number of Cause/matter/appeal).
And

In the matter of :
..... (Give the name of the parties).

Whereas(Here give the name of the party obtaining the order).....
above-named has filed an Appeal in the Supreme Court against the Judgment and decree/order of
the(here describe the Court and the number of the cause).....

And whereas on a motion made for the purpose on the(here give the date) the
Supreme Court of India has in the aforesaid proceedings been pleased to order *inter alia* as
follows:

(Here quote the relevant terms of the order).

And whereas (here give the name of the party concerned).....the respondent (or
appellant, as the case may be)has requested us.....(here give the name of the
Bank) having its registered office at(here give the registered address of the place of
business of the Bank) to guarantee the due payment of the said sum of Rs.(here give the
amount) by the said(here give the name of the Party) in the event of the Supreme Court
allowing/modifying/dismissing the said appeal and setting aside the decree or such other lesser
amount as the Court may order. We(here give the name of the Bank) are hereby held

firmly bound unto the Supreme Court of India through the Registrar of the said Court for the payment to it or to the(here give the name of the party concerned)on demand and without demur of the said sum..... (here give the amount) or such other lesser amount as may be ordered by the Supreme Court and require to be paid or refunded by the(here give the name of the party concerned, to the(here give the name of the party to whom the amount is to be paid) as a result of the final disposal of the said(here indicate the appeal, cause or matter) and the guarantee herein contained shall not be affected by any change in the constitution of the Bank and it is HEREBY agreed by and between the parties that this guarantee shall remain in full force and virtue till the disposal of the(here give the number of the case, appeal, cause or matter) to which the aforesaid order of the Court relates and until an order of the Supreme Court is made discharging this guarantee.

IN WITNESS WHEREOF we the(here give the name of the Bank) has executed this.

This theday of20.....

Signed

For the

(here give the name of the Agent of the Bank)

Witness:.....

NO. 28

IN THE SUPREME COURT OF INDIA

[S.C.R., Order XXI Rule 3(1)(a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

S.L.P. (Civil) No.....of

BETWEEN

Position of Parties

In this Court

In the Court/Tribunal from
whose order the petition
arises

(A) Here insert the name/names
of the Petitioner

Petitioner/
Respondent/
Appellant

Petitioner

(B)

(C)

AND

(D) Here insert the name/names of Respondent	Petitioner/ Respondent/ Appellant	Respondent
---	---	------------

(E)

(F)

To

Hon'ble the Chief Justice of India and His Companion Judges of the Supreme Court of India.

The Special leave Petition of the Petitioner most respectfully sheweth:

1. The petitioner/petitioners above named respectfully submit(s) this petition seeking special leave to appeal against the judgment/order of (Here specify the Court/Tribunal against whose order the leave to appeal is sought for together with number of the case, date of the order and nature of the order such as allowing or dismissing the matter or granting or refusing the interim order, etc.)
2. QUESTIONS OF LAW:
The following questions of the law arise for consideration by this Hon'ble Court:
(Here set out the questions of law arising for consideration precisely)
3. DECLARATION IN TERMS OF RULE 3(2):
The petitioner states that no other petition seeking leave to appeal has been filed by him against the impugned judgment and order.
4. DECLARATION IN TERMS OF RULE 5:
The Annexures produced alongwith the SLP are true copies of the pleadings/documents which formed part of the records of the case in the Court/Tribunal below against whose order the leave to appeal is sought for in this petition.
5. GROUNDS:
Leave to appeal is sought for on the following grounds.
(Here specify the grounds precisely and clearly)
6. GROUNDS FOR INTERIM RELIEF:
(Here specify briefly the grounds on which interim relief is sought for)
7. MAIN PRAYER:
(Here set out the main prayer)
8. INTERIM RELIEF:

(Here set out the interim prayer)

Place:

Advocate for the petitioner

Date:

Settled by:

(Specify the name of the Advocate in case where the petition is settled by an advocate.)

NO. 29

APPLICATION FOR ISSUE OF CERTIFIED COPY/UNAUTHENTICATED "COPY"
IN THE SUPREME COURT OF INDIA
(S.C.R., Order XIII, Rule 3)

Copy Application No. of 20..... Court No..... Item No.....
(To be filled up by the Office)

Whether pending or disposed of

If disposed of, then date of disposal.....

Between

..... Petitioner/Applicant

And

..... Respondent

Name with full address of the applicant

Whether party to the proceedings..... [Yes/No]

If yes, then status as

Nature of the copying application [Urgent/Ordinary]

Whether the copy is required to be sent by post.....

It is prayed that the certified copy/unauthenticated "copy" of the documents hereunder mentioned may be furnished to the applicant:-

Sl.No.	Description of Document	Date
1.
2.

Reasons for which copy is required:

.....

Signature/Thumb Impression of
the Applicant/Advocate on Record
[With name in Block Letters]

.....

Instructions

1. The application for certified copy/unauthenticated “copy” should contain the full description of the documents of which copies are sought and the dates of the documents.
2. Applications for certified copy/unauthenticated “copy”, made by person who is not a party to the proceedings should also be accompanied by an affidavit of such person specifying the grounds or reasons for which the copy is required and stating how the applicant is interested in obtaining the copy.

**NO. 30
APPEARANCE SLIP
IN THE SUPREME COURT OF INDIA**

Date of Listing.....

Court No/In Chambers

Item No.

Case No.

Name of Advocate

Enrolment No.

1.....

.....

2.....

.....

Appearing for

Petitioner
No.

Respondent
No.

.....
[Signature of AOR]

.....
[Name of AOR]

Note:

Court Master shall ensure to record appearance in the Record of Proceedings of all the Senior Advocate(s)/AOR/Advocate(s) who are physically present and appearing in the Court at the time of hearing, duly recognized by the AOR.

**NO.31
COMPUTER SHEET
IN THE SUPREME COURT OF INDIA**

Class of Case..... Number*..... of 20.....

1. **Petitioner:**
Appellant:.....
Applicant:
2. **Respondent:**.....
Non-applicant:
3. Date of Filing & Registrar:.....
4. Subject Matter :.....
.....
.....
5. Provision of Law :.....
.....
6. Subject Category Code Number:.....
Sub-Code Number:.....
(As per Annexure to the Rules)
7. Name of the Main Advocate:.....
(with State Bar Council Enrollment Number)
8. Name(s) of Associate Advocate(s):.....(with State Bar Council Enrollment Number(s))
9. Particulars of the Lower Court, Authority or Tribunal, viz.
(a) Name.....
(b) Designation..... Place.....
(c) Case, File/Order Number,.....
(d) Date of Impugned Judgment/Order/Award.....
10. Whether the petitioner/appellant/applicant is desirous of getting the matter settled through any of the alternative modes of dispute resolution prescribed under Section 89 C.P.C. (Yes/No)

If yes, by which mode? i.e. arbitration/conciliation/Lok Adalat/mediation.

11. Caveat notice, whether received (Yes/No)

Place.....

Date.....

Name and Signature

*Number to be filled by the office.

NO.32
IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

Writ Petition No...../20.....

Cause Title

Petitioner: The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and email address, if any;

Vs

Respondent: The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and email address, if known;

(Writ Petition under Article 32 of the Constitution of India)

To

Hon'ble the Chief Justice of India and His Companion Judges of the Supreme Court of India.

The Writ Petition of the Petitioner most respectfully sheweth:

The petitioner/petitioners above named respectfully submits this petition seeking

1. Particular of the cause/order against which the petition is made:

- (i) Date of Order/Notification/Circular/Policy/Decision etc:.....
- (ii) Passed in (Case or File Number):.....
- (iii) Passed by (Name and designation of the Court, Authority, Tribunal etc.)
.....
.....
.....
- (iv) Subject-matter in brief:.....

2. Nature of fundamental right infringed:.....

3. **A declaration that no processing on the same subject matter has been previously instituted in any Court. If instituted, the status or result thereof, along with copy of the order:**
4. **Details of remedies exhausted:**
The petitioner declares that he has availed all statutory and other remedies.
5. **In the writ of *habeas corpus*, whether the petitioner has moved the High Court concerned for similar relief and if so, with what result.**
6. **Facts of the case:**
(Give a concise statement of facts in chronological order in separate paragraphs)
7. **Grounds:**
(Here specify the grounds precisely and clearly).
8. **Grounds for interim relief.**
(Here specify briefly the grounds on which interim relief is sought for)
9. **Main prayer:**
(Set out the main prayer)
10. **Interim relief, if any:**
(Set out the interim prayer or writ).

Place:.....

Date:.....

(Signature)

Advocate on-record for Petitioner(s)

Settled by:

(Specify the name of the Advocate in case where the petition is settled by an advocate)

NO. 33
IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION
Writ Petition No...../20..... (P.I.L.)
PUBLIC INTEREST LITIGATION

Cause Title

Petitioner: The name, age, father/husband's name, occupation, complete postal address and fax number with S.T.D. Code and email address, if any, phone number;

Vs

Respondent: The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and email address, if known;

To

Hon'ble the Chief Justice of India and His Companion Judges of the Supreme Court of India.

The Writ Petition of the Petitioner most respectfully sheweth:

The petitioner/petitioners above named respectfully submits this petition seeking

1. Particular of the cause/order against which the petition is made:

- (1) Date of Order/Notification/Circular/Policy/Decision etc.:.....
- (2) Subject-matter in brief.....

2. The antecedents of the Petitioner:

- (1) That the petitioner is.....(give petitioner's social public standing/professional status and public spirited antecedents; if the petitioner is a social group or organization,
- (2) The present petition under Article 32 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest (if he has any personal interest, disclose the nature and extent of such interest). The petition is being filed in the interest of.....(give nature of such interest and particulars of the class of persons for whose benefit the petition is filed).
- (3) That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and the travelling

expense of the lawyers, if any, are being borne by the petitioner himself (if not, the petitioner must disclose the source of funds).

3. Facts constituting the cause of action:

[Here specify the facts briefly]

4. Source of information:

Declare the source of information if the statement is based on information or the facts pleaded in the Public Interest Litigation; also whether the applicant has verified the facts personally, if yes, in what manner?

5. Details of remedies exhausted:

The petitioner declares that he has availed all statutory and other remedies.

6. Nature and extent of injury caused or likely to be caused to the public:

[Here specify concisely about the nature of injury caused or likely to be caused]

7. Nature and extent of personal interest, if any, of the petitioners.

[Here specify briefly the nature and extent of personal interest, if any]

8. Details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.

[Here specify the details, if any]

9. Whether issue was raised earlier; if so, what result:

(Here make a statement/declaration that the issue raised was neither dealt with nor decided by a Court of law at the instance of the petitioner or to the best of his knowledge, at the instance of any other person and in case such an issue was raised or dealt with, the status or result thereof).

(Also disclose whether in a P.I.L., any cost has been awarded to or imposed upon the petitioner; and whether any appreciation or stricture has been passed).

10. Whether concerned Government Authority was moved for relief(s) sought in the petition and if so, with what result:

(Here state whether the petitioner has made any representation in this regard to the concerned authority, (if yes, details of such representation and reply, if any, from the authority concerned, along with copies thereof. If not, reason for not making such representation).

11. Grounds:

(Here specify the grounds precisely and clearly).

12. Grounds for interim relief:

(Specify the grounds for interim relief)

13. Main prayer:

(Specify below the relief(s) prayed for)

14. Interim relief, if any:

(Give the nature of interim order prayed for, with reason).

Place:

Date:

(Signature)

Advocate on-record for Petitioner(s)/
Petitioner in-person

Settled by:

(Specify the name of the advocate in case where the petition is settled by an advocate).

* The petitioner shall disclose proof regarding personal identification, occupation and annual income, PAN number, National Unique Identity Card number, if any.

** The petitioner shall file an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation.

**NO.34
CAVEAT
IN THE SUPREME COURT OF INDIA
Caveat Application No...../20.....**

Caveator: The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and email address, if any;

Vs

Caveatee: The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and email address, if known;

1.	Name of the Court/designation of the authority	
2.	The date of judgment/order etc.	
3.	The cause title and case number	

4.	Particulars of the order etc.	
----	-------------------------------	--

Caveat

The caveator named above respectfully begs to submit as under:

1. That it is expected that the caveatee may prefer an appeal/petition to the Supreme Court praying for interim relief therein.
- 2 That the caveator was party to the proceedings before the High Court as.....
3. That the caveator has despatched a notice of caveat by registered post with acknowledgment due/by courier service, on the person by whom the appeal/petition has been, or is expected to be filed, furnishing particulars regarding the judgment/order etc. as detailed hereinabove, in respect whereof the caveat is filed.
A receipt evidencing despatch of the caveat is annexed as annexure.....
4. The postal address of the caveator or his authorized agent:.....
5. It is, therefore, prayed that, in the event of the caveatee preferring such an appeal/petition within a period of 90 days, with an application seeking any interim relief_

(a) Notice of lodging of the petition may kindly be given to the caveator.

(Signature)
Advocate for

Caveator Place:.....
Date:.....

No.35 MENTION MEMO/LISTING PROFORMA IN THE SUPREME COURT OF INDIA

Appellant:
Applicant:.....
Petitioner:

Versus

Respondent:
Non-applicant:.....
Request by..... for listing a Case Urgently.

(At 10:30 a.m.)

1. Case no. of main case
2. Date and time of filing
3. The date on which the defects,
If any, were rectified:
(Where the Office has pointed out defects)
4. Whether any fixed date has been
given by the Court:
5. Whether any tentative date has been
appearing in the case:
6. Purpose for which listing of the case is
is requested:
.....
.....
7. Reasons for urgency:
.....
.....
8. Date for which the request is made, if any:

Place:.....

(Signature)

Date:.....

Advocate on-record for.....

Note: (i) Not to be presented to the Court before filing of the main case at the
Filing Counter.

(ii) Not to be presented for listing of a regular hearing case.

No. 36
INSPECTION OR SEARCH OF RECORDS
IN THE SUPREME COURT OF INDIA

Class of Case No. of 20... Listed on/disposed of
on.....

Appellant :

Applicant :

Petitioner :

Versus

Respondent :

Non-applicant :

Application for Inspection of Record

To,
The Registrar,
Supreme Court of India,
New Delhi.

Sir,
Please make available following record/book/register for inspection:

Particulars of Record / Book / Register of which Inspection is requested	Capacity in which Inspection or search is sought

Place:
Date:
record

Signature
Applicant/Advocate on-

No. 37
NOTICE TO THE RESPONDENT TO SHOW CAUSE
[SCR, Order XXI Rule 9(1)]
IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.... OF 20...
(arising from the judgment and decree/order of the High Court.....(full particulars to be given))

[A.B.]

[Petitioner]

Vs.

[C.D.]

[Respondent]

To,
Through Shri.....
Advocate on-record,
Supreme Court of India,
New Delhi.

OR

(give the address of the respondent if no appearance of an advocate on-record has been entered.

Whereas the Petition for Special Leave to Appeal above-mentioned (copy enclosed) filed in the Registry by Mr., advocate on-record, on behalf of the Petitioner(s) above named, was listed for hearing before the Court on May...., 20.... and the Court was pleased to pass the following order:-

“ _____ ”

* NOW, THEREFORE, TAKE NOTICE that the above petition will be posted for hearing before the Court in due course on _____ when you may appear before this Court either in person or through an advocate-on-record of this Court duly appointed by you in that behalf within thirty days from the date of service of notice. You may thereafter show cause to the Court on the day that may subsequently be specified as to why special leave and interim relief, as prayed for, be not granted and the resultant appeal be not allowed. .

* NOW, THEREFORE, TAKE NOTICE that the above Petition with a prayer for interim relief will be posted for hearing before this Court on _____ at 10:30 in the forenoon or so soon thereafter as may be convenient to the Court when you may appear before the Court either in person or through advocate on-record and show cause to the Court as to why Special Leave Petition and interim relief as prayed for be not granted and the resultant appeal be not allowed.

You may file your affidavit in opposition to the petition as provided under Rule 14(1) of Order XXI, SCR 2013, within thirty days from the date of receipt of notice or not later than two weeks before the date appointed for hearing, whichever be earlier, but shall do so only by setting out the grounds in opposition to the questions of law or grounds set out in the SLP and may produce such pleadings and documents filed before the Court against whose order the SLP is filed and shall also set out the grounds for not granting interim order or for vacating interim order if already granted.

TAKE FURTHER NOTICE that if you fail to enter appearance, as aforesaid, no further notice shall be given to you even after the grant of special leave for hearing of the resultant appeal and the matter above mentioned shall be disposed of in your absence.

Dated this the 10th March, 2017.

Assistant Registrar

(*Strike out, whichever is not applicable)

(This Form, with necessary modifications and adaptations, may be used in S.L.P (Criminal) and appeals)

Copy to:- Mr._____, Advocate

Note:

[1] “LEGAL AID: Legal service of an advocate is provided by the Supreme Court Legal Services Committee and the Supreme Court Middle Income Group Legal Aid Society to eligible Litigants.

For further information, please contact the Secretary, Supreme Court Legal Services Committee or the Member Secretary, Supreme Court Middle Income Group Legal Aid Society, 107-108, Lawyer’s Chambers, R.K. Jain Block-Near Post Office, Supreme Court compound, Tilak Marg, New Delhi-110201 (Tel. No. 011-23388313, 23388597).

[2] MEDIATION: The facility of amicable settlement of disputes by trained mediators in cases pending in the Supreme Court is available in the Supreme Court.

For further information, please contact the Co-ordinator, Supreme Court Mediation Center, 109, Lawyers’ Chambers, R.K. Jain Block-Near Post Office, Supreme Court Compound, Tilak Marg, New Delhi-110201 (Tel No. 011-2307432).
Copy to:-

NO. 38
NOTICE TO THE RESPONDENT TO SHOW CAUSE
(SCR, Order XLI Rule 2)
IN THE SUPREME COURT OF INDIA
(ORIGINAL JURISDICTION)

TRANSFER PETITION (C) NO... OF 20...
WITH
INTERLOCUTORY APPLICATION NO. OF 20....
(Application for Stay)

[A.B.]

[Petitioner]

Vs.

[C.D.]

[Respondent]

To,

Through Shri.....
Advocate on-record,
Supreme Court of India,
New Delhi.

OR

(give the address of the respondent if no appearance of an advocate on-record has been entered.

WHEREAS the Petition under Section 25 of the Code of Civil Procedure, 1908, above-mentioned, along with an application for ex-parte stay, seeking transfer of Case No. _____ of 20____, titled as _____ vs. _____, pending before the Family Court/Court of _____, under the Jurisdiction of High Court of _____ to the Family Court/competent court at _____, under the jurisdiction of the High Court of _____.[Copy enclosed] filed by Mr. _____, advocate for the petitioner was listed for preliminary hearing before this Court on _____, and the Court was pleased to pass the following order:

“ _____ ”

NOW, THEREFORE, TAKE NOTICE that the above petition along with application for stay will be taken up by this Court in due course and you may enter appearance before this Court either in-person or through an Advocate-on-Record of this Court duly appointed by you in that behalf within thirty days from the date of service of notice. You may thereafter show cause to the Court on the day that may subsequently be specified as to why the prayer made in the transfer petition and application for stay may not be allowed/granted to the petitioner above named.

NOW, THEREFORE, TAKE NOTICE that the above petition along with application for stay will be posted for hearing before this Court on the ____/____/2017 and will be taken up by this Court on that day at 10.30 in the forenoon or so soon thereafter as may be convenient to the court when you may appear before this Court either in person or through an Advocate on record of this Court duly appointed by you in that behalf and show cause to the Court as to why the prayer made in the transfer petition and application for stay may not be granted to the petitioner, above named.

You may file affidavit in opposition to the petition, as provided under Rule 3 Order XLI, S.C.R. 2013, not later than one week before the date appointed for hearing of the petition.

TAKE FURTHER NOTICE that if you fail to enter appearance, as aforesaid, no further notice shall be given to you and the matter above mentioned shall be disposed of in your absence.

Dated this the 30th day of September, 2015.

ASSISTANT REGISTRAR

(*Strike out, whichever is not applicable)

(This Form, with necessary modifications and adaptations, may be used in transfer petition (criminal) or otherwise.)

Copy to:- Mr. _____, Advocate

Note:

[1] “LEGAL AID: Legal service of an advocate is provided by the Supreme Court Legal Services Committee and the Supreme Court Middle Income Group Legal Aid Society to eligible Litigants.

For further information, please contact the Secretary, Supreme Court Legal Services committee or the Member Secretary, Supreme Court Middle Income Group Legal Aid Society, 107- 108, Lawyers' Chambers, R.K. Jain Block- Near Post Office, Supreme Court compound, Tilak Marg, New Delhi-110201 (Tel. No. 011-23388313, 23388597)

[2] MEDIATION: The facility of amicable settlement of disputes by trained mediators in cases pending in the Supreme Court is available in the Supreme Court.

For further information, please contact the Co-ordinator, Supreme Court Mediation Center, 109, Lawyers' Chambers, R.K. Jain Block-Near Post Office, Supreme Court Compound, Tilak Marg, New Delhi-110201 (Tel No. 011-23071432).

Copy to:

ASSISTANT REGISTRAR

SUPREME COURT OF INDIA
COMPILATION OF GUIDELINES TO BE FOLLOWED FOR
ENTERTAINING LETTERS/PETITIONS RECEIVED

IN THIS COURT AS PUBLIC INTEREST LITIGATION.

(Based on full Court decision dated 1.12.1988 and subsequent modifications).

No petition involving individual/ personal matter shall be entertained as a PIL matter except as indicated hereinafter.

Letter-petitions falling under the following categories alone will ordinarily be entertained as Public Interest Litigation:-

1. Bonded Labour matters.
2. Neglected Children.
3. Non-payment of minimum wages to workers and exploitation of casual workers and complaints of violation of Labour Laws (except in individual cases).
4. Petitions from jails complaining of harassment, for (pre-mature release)* and seeking release after having completed 14 years in jail, death in jail, transfer, release on personal bond, speedy trial as a fundamental right.

*\$ Petitions for premature release, parole etc. are not matters which deserve to be treated as petitions u/Article 32 as they can effectively be dealt with by the concerned High Court. To save time Registry may simultaneously call for remarks of the jail Superintendent and ask him to forward the same to High Court. The main petition may be forwarded to the concerned High Court for disposal in accordance with law.

Even in regard to petitions containing allegations against Jail Authorities there is no reason why it cannot be dealt with by the High Court. But petitions complaining of torture, custody death and the like may be entertained by this Court directly if the allegations are of a serious nature.

- (5) Petitions against police for refusing to register a case, harassment by police and death in police custody.
- (6) Petitions against atrocities on women, in particular harassment of bride, bride- burning, rape, murder, kidnapping etc.

+ In such cases where office calls for police report if letter petitioner asks for copy the same may be supplied, only after obtaining permission of the Hon'ble Judge nominated by the Hon'ble Chief Justice of India for PIL matters.

\$ Added based on Order dated 19.8.1993 of the then Chief Justice of India.

- (7) Petitions complaining of harassment or torture of villagers by co- villagers or by police from persons belonging to Scheduled Caste and Scheduled Tribes and economically backward classes.
- (8) Petitions pertaining to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forest and wild life and other matters of public importance.
- (9) Petitions from riot -victims.
- (10) Family Pension.

All letter-petitions received in the PIL Cell will first be screened in the Cell and only such petitions as are covered by the above mentioned categories will be placed before a Judge to be nominated by Hon'ble the Chief Justice of India for directions after which the case will be listed before the Bench concerned.

If a letter-petition is to be lodged, the orders to that effect should be passed by Registrar (Judicial) (or any Registrar nominated by the Hon'ble Chief Justice of India), instead of Additional Registrar, or any junior officer.

To begin with only one Hon'ble Judge may be assigned this work and number increased to two or three later depending on the workload.

*Submission Notes be put up before an Hon'ble Judge nominated for such periods as may be decided by the Hon'ble Chief Justice of India from time to time.

**If on scrutiny of a letter petition, it is found that the same is not covered under the PIL guidelines and no public interest is involved, then the same may be lodged only after the approval from the Registrar nominated by the Hon'ble the Chief Justice of India.

**It may be worthwhile to require an affidavit to be filed in support of the statements contained in the petition whenever it is not too onerous a requirement.

+ Added as per Order dated 29.8.2003 of the Hon'ble Chief Justice of India.

* As per Order dated 29.8.2003 of the Hon'ble the Chief Justice of India.

**The matters which can be dealt with by the High Court or any other authority may be sent to them without any comment whatsoever instead of all such matters being heard judicially in this Court only.

Cases falling under the following categories will not be entertained as Public Interest Litigation and these may be returned to the petitioners or filed in the PIL Cell, as the case may be:

- (1) Landlord-Tenant matters.
- (2) Service matter and those pertaining to Pension and Gratuity.
- (3) Complaints against Central/ State Government Departments and Local Bodies except those relating to item Nos. (1) to (10) above.
- (4) Admission to medical and other educational institution.
- (5) Petitions for early hearing of cases pending in High Courts and Subordinate Courts.

In regard to the petitions concerning maintenance of wife, children and parents, the petitioners may be asked to file a Petition under sec. 125 of Cr. P.C. Or a Suit in the Court of competent jurisdiction and for that purpose to approach the nearest Legal Aid Committee for legal aid and advice.

** Modified keeping in view the directions dated 29.8.2003 of the Hon'ble Chief Justice of India.

